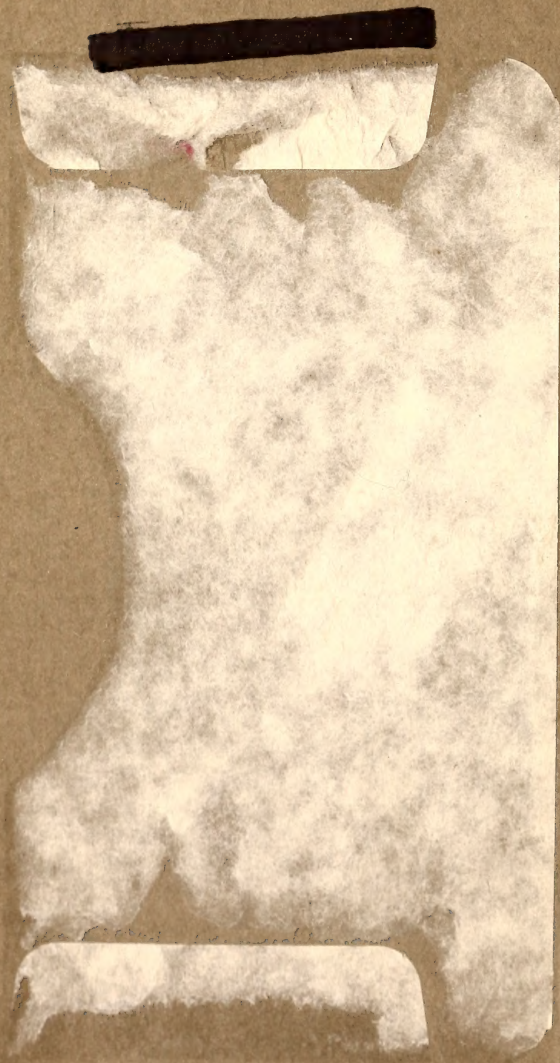


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IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History—*Freeman*

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VOLUME V

MUNICIPAL GOVERNMENT
HISTORY AND POLITICS

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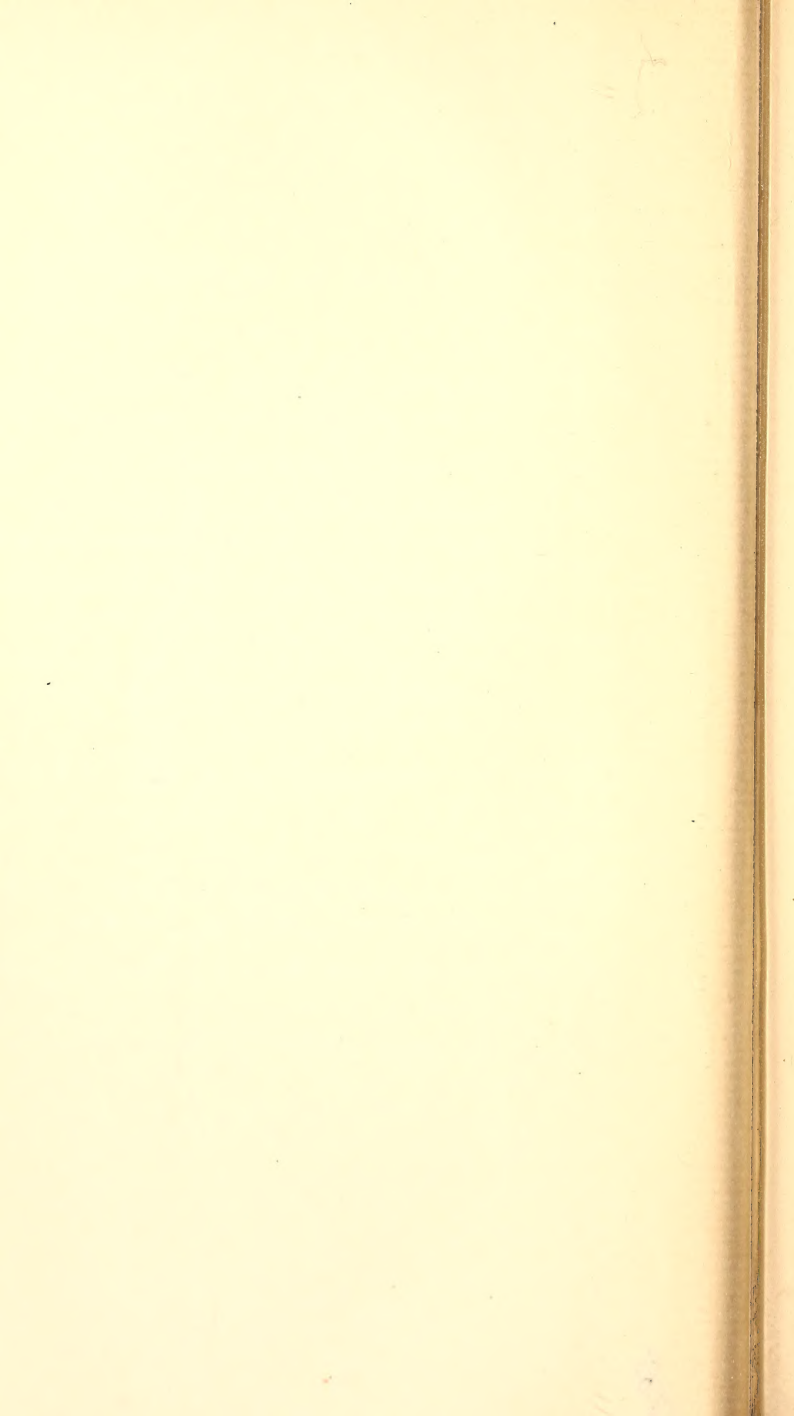
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I-II

THE CITY GOVERNMENT

OF

PHILADELPHIA.

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History—*Freeman*

FIFTH SERIES

I-II

THE CITY GOVERNMENT
OF
PHILADELPHIA.

BY EDWARD P. ALLINSON, A. M. and BOIES PENROSE, A. B.
Of the Philadelphia Bar.

BALTIMORE
N. MURRAY, PUBLICATION AGENT, JOHNS HOPKINS UNIVERSITY
January and February, 1887.

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THE CITY GOVERNMENT OF PHILADELPHIA.¹

FROM the first of April, 1887, the municipal government of Philadelphia will be administered under a new charter, the fourth in historical sequence, generally known to local fame as the Reform Charter,² or Bullitt Bill. It is claimed by its friends that this charter is the most advanced step toward the scientific government of great cities yet made.

For a full understanding of its advent, the causes which called it into being and the remedies for present evils which it purports to bring, one must be somewhat familiar with the continued history of the City Government from the earliest times, for the story of the Bullitt Bill goes back to the landing of Penn and the founding of the city.

While there are numerous works on the history of Pennsylvania and Philadelphia, general and special, treating of both

¹ A Paper read before a special meeting of the Historical Society of Pennsylvania, November 22, 1886, representing the result of investigations made by Edward P. Allinson, A. M., and Boies Penrose, A. B., in preparing a volume on the subject for the Extra Volume Series of the Johns Hopkins University Studies.

² Strictly speaking, acts of the Legislature are not charters in the legal sense of the term. A charter is a contract or grant non-revocable at the pleasure of the grantor, while all acts incorporating towns or cities may be altered or revoked at the pleasure of the Legislature. The term, however, is conventional, and is so used.

earlier and later times, nowhere is there to be found any history of the city of Philadelphia considered strictly in relation to its evolution and growth as a municipal corporation.

As the result of what we believe has been a laborious and exhaustive examination of all the evidence now available, we venture to present a condensed review in which are marshaled the salient features of the municipal history of our great city. Tempting though we have often found it, we have rigidly denied to ourselves any comment on what may be called the extra-municipal story and influence of Philadelphia, picturesque and potent as these have often been. The records of over two hundred years of municipal life present such a cloud of witnesses, demanding a hearing with such imperative fervor, that lay history, even when intimately bearing on the main question, has had to be passed by in silence; although, perhaps, there has been thereby a loss of color and even of perspective.

We shall, in these pages, avoid the puerile error of complaining of the wickedness and corruption of professional politicians. It is very common to speak of that class as something outside of and apart from the ordinary citizen. The laws which govern human nature are, in the long run, just as certain as those of mathematics and the physical sciences; they admit of the possibility of more occasional elasticity, but in the end are as rigidly binding. The politician, professional or otherwise, follows the stamp of his age; he is just what his age or his environment demands or permits, neither better nor worse. The rules of his morality may differ from those of the clergyman or the merchant, but it weighs about as many ounces to the pound, and we are inclined to think that, from his intimate acquaintance with human nature, he gives better weight. We have indulged in this preamble because we consider it involves a truth often lost sight of, and because we wish any criticism hereafter made to be understood as applied rather to the system than the actors.

Any plan of government which ignores the peculiar manifestations of human nature, as exhibited in a particular time

or place, must in a corresponding degree prove a failure. The best plan is that which, founded on experience, makes due allowance for the necessary weakness as well as the general integrity of humanity, and grasps every chance of enlisting its better elements, which are always sufficient when called into activity. The trouble is not so much to care for emergencies; any people when stirred to its depths will take good care of itself; but it is to be looked for in the every day, prosperous times, when the Muse of History has to emigrate to find employment. The most potent factors, which the lawgiver must keep always in sight, are the indifference and selfishness of the so-called better class of citizens. In formulating a city government we must calculate on the indifferent watchfulness of the ordinary citizen in ordinary times. We should therefore endeavor to enlist the love of gain, of power, of fame, on the side of the public weal, and to do this we must make an honest public life systematically easy as well as possible to a professional politician. Even as it is, the practical politician is a useful citizen; he is shrewd, far-sighted, tireless and often honest, as this world goes; but practical men as a class never work continually for nothing or simply for abstract patriotism. We must have the possibility of certain, reasonably compensated, honorable continuance in public service if we expect that service to be honestly devoted to the public weal, and finally we must have executive power and responsibility so centred as to be quickly and definitely accountable to the public will if mal-administered. Let us see how far the life of municipal Philadelphia has conformed itself to these cardinal laws.

ANALYSIS OF THE SUBJECT.

The life of the City of Philadelphia divides itself into five sharply-defined periods:

I. First period from 1681-1701.

This era of 21 years covers the period prior to the first or proprietary charter.

II. The second period, 1701–1789.

This era covers the life of the proprietary charter, which fell with the Revolution, and the thirteen subsequent years of suspended municipal life.

III. Third period, 1789–1854.

For nearly three-quarters of a century what is now known as the old city grew and prospered under the legislative charter of 1789 and the divers acts amendatory thereof and supplementary thereto, up to the Act of February 2, 1854, known as the Consolidation Act, when the city and county were merged.

IV. Fourth period, 1854–1887.

During this period Philadelphia has staggered, in common with other great cities, under a burden of laws, ordinances, customs and practices often resulting in legislative and executive maladministration.

V. Fifth period, 1887–

Is that of full development, as shown in the complete application of the Reform Charter.

FIRST PERIOD, 1681-1701.

When Penn landed on the shores of the Delaware in 1682, he came armed with quasi-regal power and found English institutions and laws engrafted on, and somewhat modified by, Dutch and Swedish customs; but his beloved city was settled on virgin soil, and presented a white page for legislation. The city, after the site had been twice purchased from the Swedes and Indians, was laid out under William Markham, Penn's Lieutenant-Governor, by Thomas Holme. The land which was to form the Province of Pennsylvania and its territories passed into the hands of the Proprietor by royal charter and deed of confirmation from the Duke of York, under whose rule it had been for some years, and the colony formed one of the three proprietary governments.

By Section 10 of the Royal Charter Penn was authorized "to divide the country into towns, hundreds and counties, and

to erect and incorporate towns into boroughs and boroughs into cities, and to make and constitute fairs and markets therein." The scheme of government entered into between Penn and the adventurers contemplated the foundation of a city; and an allotment of city lots was made to each original purchaser of land in the Province. This town or city was laid out, as we see, by Penn's agent, Markham, before Penn's arrival, and received the name of Philadelphia. The Province was divided into three counties—Philadelphia, Chester, and Bucks—which, together with the three lower counties of the territories, (Delaware), made up the division of Penn's domain.

Under the Duke of York we find the township the political unit, although not in the integrity established in New England. Under Penn, however, we must, from the beginning of his rule, look to the county as the unit. In the absence of complete records of this period regarding many details of administration, this fact, if kept in mind, will save us from embarrassment and enable us to predicate certain conclusions with reasonable assurance, which otherwise we could hardly infer with certainty. Especially true is this in fixing the date of the birth of Philadelphia as a municipal entity.

By Penn's Frame, Section 10, it is provided "that the Governor and Council shall at all times settle and order the situation of cities, ports and market-towns in every county."¹ The boundaries of the city were fixed as follows: From what is now Vine street, on the north, to what is now South street, on the south, along the Delaware river nearly a mile in front or breadth on said river, and westward about two miles between said streets to the River Schuylkill.²

EVIDENCE OF ORGANIZED LOCAL GOVERNMENT PRIOR TO 1701.

When Penn arrived at Philadelphia, most of the people were living in caves on the banks; but a number of houses

¹ Duke of York's Laws, p. 95.

² Holme's Map of Philadelphia

were soon erected, and, in the minutes of the Provincial Council and Acts of Assembly, we read constantly of the "town of Philadelphia" or the "city of Philadelphia." But obviously these terms may have had no significance apart from the designation of a more thickly-settled spot laid out and surveyed for a town, and established as a port and market. The use of the term city implies potential rather than actual attributes.

On the other hand Acrelius, in his *New Sweden*, p. 112, published in 1712, speaks of Philadelphia having received its first charter in 1682, but our investigation leads us to think this a mere dictum, or very probably a reference to Penn's charter to the colonists of that date. The records of the Provincial Council, under date of 5 mo., 26, 1684, have the following minute: "Thos. Lloyd, Thos. Holme, Wm. Haigue, appointed to draw up a charter of Philadelphia, to be made a Borough, consisting of a Mayor and six Aldermen, and to call to yr. assistance any of ye council." This was before Penn's departure. There is no record that this committee ever acted. Prior to this, in 1684, a bill passed second reading in the council providing for "3 members for ye council and 6 for ye assembly from ye city of Philadelphia," but there is no record of a third reading or co-ordinate action by the assembly, and evidence is wanting as to any member sitting for the city as distinct from the county. Whether the town was really made a borough, as thus indicated, is not clearly shown, but there is undoubtedly evidence of some sort of government existing in 1691, but how organized or created does not clearly appear. The minutes of the Provincial council for 1691 and 1692 are lost or destroyed, but the office of Recorder of Deeds shows, in the nature of perpetuated testimony, the proceedings of the citizens of Philadelphia in 1753 to secure the dedication of the Blue Anchor landing for public use forever. These proceedings¹ recite the minutes of the Provincial Council as being

¹ D. B. H. No. 7, p. 92. Penn. Hist. Magazine for April, 1886, p. 61.

then extant, and recite the reference of these minutes to the action of Humphrey Murrey, "the present Mayor of the City of Philadelphia," and speak also of the "Mayor and Aldermen." In Penn's charter of 1701, creating the City Corporation, he says: "I have by virtue of the King's Letters Patent . . . erected the said town into a borough and do by these presents erect the said town and borough into a city, &c." From the weight of the evidence, then, we can safely infer that there must have been some local authority exercised prior to 1701; but the interest therein is mainly historical, for the traces thereof are vague and shadowy, and the corporation of that date seems to have been a new creation rather than an evolution of any local growth or customs of the infant town.

Up to that time there was hardly room and no imperative demand, in the nature of things, for any clearly outlined municipal life, apart from the autonomy of the county. The period when each settler was supposed to have a town lot had hardly been outgrown, and there is considerable evidence to show that Penn had conceived the idea of having all settlements cluster around a town which was to supplement the outlying farms, although this idea was quickly given up. The entire machinery was based on the county as the unit. County judges appointed by Penn, assisted by the grand jury, provided for much of the primitive local administration; they levied and collected the taxes, laid out roads, other than King's highways, which fell to the Council, and provided the meagre local administration necessary to the primitive wants of a people to whom governmental functions came as a public tax or duty to be avoided rather than sought. The township and town meeting had no existence as we see them in New England. The Provincial Council had wide powers jointly with the Proprietor when present, representing him when absent. It sat as an Orphans' Court, a Court of Appeals, a Privy Council, a Senate; it proposed all bills to the lower house, tried old women for witchcraft and young men for drunkenness; passed regulations to punish negroes who disturbed the

peace by gadding about the streets; took cognizance of defective drains, grading, market regulations, the size of bakers' loaves, and divers other kindred minutiae which in New England would have been within the province of the town meeting.

The proceedings of the public meeting, above referred to as discovered in the office of the Recorder of Deeds, antiquated and forgotten as they are, have considerable historic value, and they may at least be taken as evidence that some sort of organization existed among the citizens, whether formally delegated by the Proprietor or assumed by themselves. That officers known as Mayor and Aldermen did then exist is certain, but it is very curious that there should not remain some direct or incidental allusion to a municipal organization if such existed, because the proceedings of that time, while primitive in one sense, were very formal in all creative details, and the authority of the Proprietor was ample and unquestioned, and his prerogatives carefully guarded. We must, therefore, conclude that such organization as existed must have been of fugitive duration or of very limited powers.

SECOND PERIOD, 1701-1789. PENN'S CHARTER.

The charter of 1701, it may be fairly said, introduces the municipality of Philadelphia as a well-defined corporate entity. It was granted by the proprietor just before he left the Province on his second and last visit. While there is little or no record of the moving cause for such action, yet even at this distance sufficient motive is not difficult to imagine; the actual and potential importance of the place was great and the need of some sort of well-defined local government, apart from that of the Province, must have been obvious to the methodical Quaker. This charter signed and published by Penn, October 25, 1701, is worthy of careful study, not only as a chart under which Philadelphia affairs were conducted for seventy-five years, but also as contem-

porary evidence of the then accepted notion of a municipal corporation by which even such a liberal and far-sighted statesman as Penn was ruled in formulating the scheme of government for his town which he had faith would become a great city.

As has been noted, this charter was granted by virtue of the authority conferred upon Penn by the royal charter. The charter of 1701 differs from subsequent ones in this important particular, that the former was created by the grant of the proprietor and the latter by act of Legislature. While the Legislature as the ultimate sovereign authority may grant such powers as it chooses, the King or his delegated agent, the proprietor, was restricted in many ways. He could not incorporate a community without its consent; and while he might confer the usual powers of a municipality he could not grant extraordinary powers out of the course of the common law, as power to punish by forfeiture or imprisonment, or an exclusive right of trading.¹

CHARACTER OF PENN'S CHARTER.

In accordance with these principles, Penn's charter resembled in its outlines a typical constitution of an English town such as prevailed from the close of the middle ages to the Reform Act of 1835. A close corporation is constituted under the name of "The Mayor and Commonalty of the city of Philadelphia," consisting of a Mayor, Recorder, eight Aldermen, and twelve Common Councilmen, and possessing the five usual powers of a corporation. The first corporate officers were appointed in the charter. The Mayor was elected annually from the Aldermen, by at least five of the Aldermen and nine Common Councilmen, the Mayor or Recorder being present. When so elected he had to be presented to the Governor to be accepted. The Recorder,

¹Dillon, 2d ed., Vol. I, p. 108.

Aldermen, and Common Councilmen, held office for life. The corporation might add to their number from time to time.

The important characteristic of such a charter from which many legal consequences followed was that, strictly speaking, the corporation proper was not the place or inhabitants, but a close self-elected corporate body, existing, as it were, independently of the community in which it was constituted, and possessing certain powers to govern the inhabitants. This constitution was reached by the boroughs of England after many years, in consequence of the dislike on the part of the authorities of popular elections, and, more especially, in consequence of the intrigues of the crown to control the election of the burgesses to Parliament. The franchise of returning members to Parliament was granted to a great number of towns about the time of Edward the First; and from that time they obtained great political importance. At first, to strengthen itself against the barons, the crown encouraged popular elections, until, perceiving it had a more formidable opponent to its powers, it began to assume a different policy and to endeavor to secure the return of its own creatures by discouraging popular elections of the municipal magistrates, and raising a sort of burgher aristocracy. In Elizabeth's reign the judges, upon the application of the privy council, determined that from usage, within time of memory, a by-law may be presumed as restraining to a select body the right of election of the principal corporators, though vested by the ancient constitution in the general assembly of the freemen. In the reign of James I. they went still farther and determined that the King could, by his charter, incorporate the people of a town in the form of select classes and commonalty and vest in the whole corporation the right of sending representatives to Parliament, restraining the exercise of the right to the select classes; and this was the form of all the new corporations. Charles I. was dethroned by the power of corporate representation, then at its height, while the Protector unable to cope with them expelled them from the house. In the reign of Charles II. the famous *quo warranto* proceedings to repeal

the charters of the obnoxious corporations on pretence of forfeiture were brought; judgment was given against London and the charter forfeited. Such consternation was spread among the other towns that most of them let judgment go by default or surrendered their charters and received new ones in return. Although the old charters were restored in the succeeding reign, the select classes, unwilling to relinquish their power and supported by the royal party and the decisions of the courts, retained in their grasp the municipal power, and by this means prevented the restoration of popular elections until the Municipal Reform Act of 1835. The charter of Philadelphia was granted during the reign of Charles II., subsequently to the *quo warranto* proceedings just referred to. This was the period in which the liberties of the borough were most oppressed and the crown most active in attempting to restrain popular elections. Granted in such a period, it is not surprising to find the first charter of Philadelphia marked by many illiberal features compared with the modern idea of municipal privileges, or compared with the usually enlightened policy of Penn.

INTEGRAL PARTS.

The Mayor, Recorder, Aldermen, and Common Councilmen composed what was known to the writers of the day as the integral parts. The Mayor was the head of the corporation, and at common law as well as by the charter his presence was essential to the despatch of corporate business. It was his duty, with the Recorder and at least three aldermen, to summon a corporate meeting as they saw occasion, and to preside at such meeting,¹ but he had neither by charter nor common law a veto or casting vote.

Any citizen elected as one of the integral parts was liable to fine upon refusal to serve, but such was the expense and labor,

¹ Willcock on Corporations, p. 103.

incident to the office of Mayor, that frequently persons so elected preferred to pay the fine rather than accept. At the expiration of his year of office, it was the custom of the mayor to give an expensive banquet to the members of the corporation, a custom which many of the later mayors abandoned, and, instead, presented the city with an equivalent amount of money.¹ At first no salary was paid, and with the growth of the city the difficulty of getting a proper person to serve increased. At length, in 1747, a salary of one hundred pounds was granted; and although three years afterward the salary was abandoned, it was subsequently revived.² In case of misconduct the Mayor might be removed by the Recorder and at least five Aldermen and nine Common Councilmen; in case of such removal or death, another person was to be chosen within four days, and in the interval the eldest Alderman acted as Mayor. Besides his duties under the charter the Mayor, from time to time, had additional duties imposed upon him by councils. Thus he is appointed City Treasurer; he is ordered once every month to inspect the bread bakers and to seize and dispose of all bread found deficient in weight, according to law.

The Recorder ranked next to the Mayor. The duties of this ancient office are described in Bohun's *Privilegia Londini*,³ where it is said that the Recorder was "one skillful in the laws and customs of the city, and was chief assistant to the Mayor & Aldermen for their better direction for administering law & justice. And being the mouth of the City he learnedly delivers the sentences and judgments of their Court." His qualifications are thus set down in the book called *Liber Albus*: "He shall be one of the most skillful and virtuous apprentices of the law in the whole Kingdom. He is to sit on the right hand of the Maior in recording pleas and passing

¹ Minutes of C. C., pp. 463, 511.

² Minutes of C. C., pp. 480, 485, 511, 666.

³ Page 63.

judgments. The Maior & Aldermen set forth all the custom and business touching the City before the King and Council as also the King's court by Mr. Recorder as a chief man endued with wisdom and eminent for eloquence." We have to look to the common law for the qualifications of the Recorder of Philadelphia, as his duties are nowhere set out in detail, but he seemed to be the legal adviser and mouthpiece of the city and drew up the ordinances and contracts. He was elected by the corporation and held office for life, but might be removed for cause by the Mayor and two-thirds of the Aldermen and Councilmen. The Aldermen held office for life by common law and by the charter. They did not represent any ward or precinct. The important distinction between them and the Common Councilmen was the judicial power of the former, and this leads us to a consideration of the judicial functions of the corporation which constituted a peculiar part of the power in the municipalities of that day.

JUDICIAL FUNCTIONS.

The Mayor, Recorder, and Aldermen were appointed by the Charter Justices of the Peace and Justices of Oyer and Terminer. This custom of appointing municipal magistrates justices of the peace by charter began much earlier than the reign of Richard II.¹ They had both civil and criminal jurisdiction within the city and liberties. The Mayor and Recorder were further of the quorum of the justices for the county.

COUNCILMEN.

The Councilmen held office for life, and did not represent any ward or district. Common Councilmen were not recognized by the common law as a select body. They may be said to have been the faint vestige of the ancient liberties once enjoyed by the freemen of the boroughs.

¹ Report of English Municipal Coms., p. 17.

Boroughs existed in England from the earliest period. The burgesses were the permanent free inhabitants, performing the duties and enjoying the privileges as the free inhabitant householders, paying scot and bearing lot, presented, sworn, and enrolled in the court list.¹ The first charter of incorporation was granted by Henry VI., and it superinduced upon the original character of burgesses that of corporators also. The Common Council or corporate meeting consisted of the definite classes and as many of the indefinite class as chose to attend, without any other qualification but that of being freemen, and such a common council was incident to all corporations of common right, unless otherwise regulated by charter.² But this right of the commonalty to form part of the Council or town meeting was gradually lost by the usurpation above alluded to, till its restoration in later times in a modified form. At all events the freemen as such had no voice in the Common Council of Philadelphia. The Assembly of the Integral Parts of the corporation in a corporate meeting for the transaction of business, was called the Common Council. The meetings were convened at the call of the Mayor, Recorder, and three Aldermen. Their procedure when so convened was simple. There were no standing committees in the modern acceptance of the term. When a public necessity arose requiring legislation, it was "ordered" by councils that an ordinance be drawn, and the Recorder or a committee consisting of a few of the Aldermen were appointed to draw up an ordinance and report at a subsequent meeting. Frequently a second committee would be appointed to act on the report of the first.

The ordinances were published, if at all, upon single broadsides, and no accurate record was kept of them. That none of them are extant to-day is not surprising, as appears from the records of the minutes of the Common Council, of which this is an instance: "Alderman Coxe proposed that there has

¹ Merewether & Stephen, *Hist. of Boroughs*, p. v, Introduction.

² Willcock, § 764.

lately appeared a necessity of putting into execution some of the ordinances, . . . and as the ordinances are dispersed among several members, a committee be appointed to collect and lay them before this Board." P. 657.

All members sat together and their votes were of equal value. They had power to add to their number from time to time, and were authorized to make all such laws and ordinances as were necessary and convenient for the government of the city, and execute them through the proper officers. They might impose fines for the violation of such ordinances. A few officers were regulated by the charter, who were not members of the corporation, *i. e.* a town clerk to be elected by the corporation, and a clerk of the markets, who was appointed by the Mayor. The Sheriff and Coroner of the county were also to act for the city, but the inhabitants of the city, "to have equal liberty with the county to elect sheriffs and coroners who shall reside within the city." The Sheriff was also Water Bailiff, and as such it was his duty to preserve the river from all encroachment, and exercise a general control over the fisheries.¹

THE FREEMEN.

While the corporation, in its strict legal sense, is composed of the integral parts already described, there remains yet another class which once was likewise an integral part, and in a larger sense and for many purposes is to be considered as still forming a part, *viz.*, inhabitants entitled to the freedom, and enjoying in consequence of the incorporation certain franchises and privileges. The freedom was gained by acquiring certain qualifications or by purchase. The qualifications were that the freeman should be a free denizen of the province, twenty-one years of age and a resident of the city, possessed of a freehold estate therein, or a resident for two years, possessed of a personal estate worth fifty pounds.

¹ Bohun's Privilegia Londini.

Women as well as men were admitted to the freedom. Besides the qualification of holding office the freemen enjoyed certain privileges, such as the right of retail trade and certain mechanical trades.

MISCELLANEOUS PROVISIONS.

The limits of the city were fixed as before ; the ends of the streets were to remain free for the use of the people, although the corporation might improve them. The corporation was empowered to erect a gaol and courthouse, and to hold two market-days every week and two fairs annually. The city was constituted a port. Finally it was provided that the charter should be construed most favorably and beneficially to the corporation. Modelled after the corrupted constitution of the old English borough and in a period most unfavorable to municipal privileges, it is not surprising that the power granted in the charter was soon found to be entirely insufficient for the rapidly growing city. As early as 1706 it is ordered, by councils, "that a new charter be drawn containing such privileges as the present charter is deficient in and sent to the Proprietor." Nothing came of this attempt nor of subsequent ones to obtain assistance from the Legislature, although several efforts were made about 1710.

REVENUE.

The inability to raise sufficient revenue for the current expenses was one of the earliest and most urgently felt deficiencies in the powers of the corporation, and affords a good illustration of how ill-adapted the antiquated system was to the necessities of a modern municipality. Neither by the common law nor by grant of the King could there be any right of taxation, although there were certain privileges or duties of talliage. The levy of any general tax was therefore illegal and a by-law attempting to effect it, void. Such

antiquated and jealously restricted powers were ill-fitted to bear the support of streets, police, and other departments which fall within the scope of modern municipalities. In 1704, however, councils made a primitive enough attempt to levy a tax by ordering that every inhabitant keeping cows over two years old should pay twelve pence per annum, for each cow toward “the buying & keeping of the town bull;” but the cow tax seems to have been insufficient as the Mayor two years later liberally advances the money necessary “for the repairs of the fframe of the Town Bull.” Fines furnished a large part of the revenue. They were levied upon persons refusing to accept office, for non-attendance of members at meetings of councils and for frequent violation of laws and ordinances. Some cases are curious; one person is fined “he being very poor and his wife like to be a charge upon the town;” and, after the sheriff’s commissions are deducted, one Laughlen McClane pays a fine which amounts to £24, 5, 0, for kissing Osborn’s wife,—a large sum for those days, which would lead us to infer that kissing was a luxury and women scarce. The fines indeed were frequently severe and seldom remitted. There were certain other fees, and rents for markets and wharves became yearly of importance.

The history of the erection of the market-houses was curious and led in time to bitter complaint by certain citizens against the arbitrary conduct of the corporation in erecting them in the public streets, which in truth was without shadow of right, though generally acquiesced in. Lotteries also were frequently resorted to, and pressing expenses met by subscription to be returned out of prospective receipts. But all these sources became annually more and more insufficient. The corporation performed some remarkable feats of financiering and the condition of the treasury grew more and more desperate. Loans were of course speedily resorted to. It is interesting to note one of the earliest and simplest loans made by the city in the ordinance of 1706, providing that any citizen who should advance money for repairing wharves, bridges, and streets

should be repaid out of the first money raised by the city ; but there is no mention of interest. Money was also borrowed from the Legislature. The bad management of the corporation added to the financial difficulty ; promissory notes were taken for fines and frequently paid in goods ; rents were long in arrears and collected with difficulty ; subscriptions and advances on the part of members of the corporation were made to be repaid out of the uncertain revenue of the future, and a general scheme of personal debts and promises existed.

LEGISLATIVE PROVISIONS FOR INDEPENDENT COMMISSIONS.

The corporation, as already mentioned, never succeeded in obtaining either from the Proprietor, who indeed could not grant it, or from the Legislature, the power of taxation so urgently required ; but at length the necessities of the city became so great that another plan was adopted similar to that followed in England. In the old country it had long been customary not to rely on the corporation alone for the government of the town, but additional powers were granted from time to time by local acts for various purposes, not to the officers of the corporation but to trustees or commissioners largely independent of them.

A similar course was followed by the Assembly in the case of Philadelphia, and exercised a most important influence upon the development of the City Government. The first act of this character was passed in 1712, and is the basis of subsequent legislation for the period. The cause of its passage was the great necessity of providing means to pay the public debt and defray the expense of building a workhouse, repairing the public wharves, paving and regulating the streets, and erecting markets.¹ Six assessors were to be chosen annually by the voters of the city, who, in conjunction with the Mayor, Re-

¹ Bradford's Laws, p. 102.

corder, and Aldermen, annually at the general sessions of the peace or oftener if necessary, were to calculate the amount of the public debt and what sums were necessary for repairing streets and for other purposes. They were to appropriate certain sums to certain items. Constables made the returns of the taxables, the rates were laid agreeably to the county levies, and the assessors appointed the collectors and treasurer of the fund raised ; payments were made on the order of the Mayor, Recorder, and four Aldermen, and the accounts were audited by the Mayor.

STREETS.

One of the most urgent reasons for the passage of this act was the condition of the streets. The first plan of caring for the roads and streets followed the ancient English law, whereby the inhabitants might be compelled to furnish labor for repairs necessary. In 1711 Councils offered the privilege of commuting services for money, but this process was ill-adapted to city needs and customs, and even after the act of 1712 things did not work satisfactorily. Ordinances were passed requiring property-owners to pitch and pave in front of their lots under penalty of having it done for them. Two serious defects existed in the system introduced by the act of 1712. The first was the absence of any head or responsibility among the officers of the corporation and the assessors. Second, the inevitable jealousies and conflicts of authority. Complaints began to be made about 1739—the taxes were badly collected. The Assembly was petitioned for relief to grant a highly characteristic remedy—the erection of still another board of elective commissioners. Such a bill actually passed the Assembly, but the corporation induced the Governor not to sign it. The circumstance is interesting, however, as showing the gradual growth of that distrust of the corporation on the part of the citizens which, as will be seen, reached such a height on the termination of the charter. The second defect was the absence of any executive head to

superintend the department of highways. In 1762¹ an act was passed with elaborate details for regulating, pitching, paving and cleaning the highways. Still another board is created of six commissioners to act with the assessors, but there is little improvement in the scheme. Under this act and supplements the streets were cared for in a fashion till the charter of 1789. These acts are full of details as to weight of wagons, speed of horses, duty of property-owners, and provide for raising money to defray the expenses of the streets, &c. The study of them is of much importance as illustrating the methods of the time and the evolution of the financial and executive policy.

POLICE.

Parallel with the legislation above referred to should be noted a series of acts relating to watching and lighting the city, and providing for the expense thereof. The modern policeman is a creature of statute. The ancient conservator of the peace was the watch and constable, much after the Dogberry pattern, and all citizens were bound to take their turn in keeping watch. The first watchman was appointed in 1700 by the Provincial Council, and had the whole care of the city. It was his duty to go through the city at night ringing a bell, to cry out the time of night and the state of the weather. In 1704 the city was divided into precincts. The constable was the chief officer of the watch, which was not a permanent nor paid body. Much difficulty was experienced in getting the citizens to do their watch duty, and there was evidently quite as much disposition to shirk as is now found in the jury panel. There was frequent complaint and even presentment by the grand jury. The agitation culminated in 1749—or rather in 1750—when an act was passed creating another commission, known as the City Wardens, who should have charge of lighting and watching the city, and, with the

¹ MS. Laws, chap. 480.

corporation officers, form a separate board having charge of the matter.

WATER.

The water supply of this period was by means of pumps. They were originally erected and owned by private persons, but their great importance led to various ordinances for their regulation. In 1713 it was ordered that the place where a pump was to be driven "should be viewed by the Mayor, Recorder, and at least three Aldermen." Later it was provided that owners of pumps should hold the same of the corporation for the term of twenty-one years under the annual rent of one shilling. In 1756 the control of the pumps was placed in the hands of the wardens, and in the following year they were empowered to assess such householders as used the public pumps.

POOR.

The care of the poor was one of the earliest matters requiring the grant of additional powers by the Legislature. By act of 1705 the Mayor, Recorder, and Aldermen were empowered to appoint overseers of the poor; and the overseers of the poor laid and collected the tax. Later, in 1749, the overseers were incorporated and had power to levy a tax. The heavy charges incident to the support of the poor very early brought about the partial union of Philadelphia with several of the outlying districts. In 1766 Philadelphia was consolidated with the district of Southwark, the townships of Moyamensing, Passyunk, and Northern Liberties, as a poor district.

FIRE DEPARTMENT.

While the danger of fire continually threatened the city the early precautions against it were extremely primitive. The chimneys were considered the great source of danger and people were fined for letting them take fire. From time

to time acts were passed regulating chimneys, prohibiting firing guns, &c., but there was no organization by councils of a fire department. Provisions were made for buckets, hooks, and engines, but the regulations and machinery were crude, and the service in case of fire was entirely volunteer. One hand engine was made in Philadelphia, and one in London. The formation of fire companies was from time to time suggested, and in 1736, mainly through the instrumentality of Franklin, the Union Fire Company was established.

PARTY WALLS.

The regulation of party walls early demanded the attention of the Legislature, and in 1721 an act was passed which in its principal features is in force to-day. By this act the corporation was authorized to appoint two surveyors or regulators, to whose care the regulation of party walls and division fences was committed.

CITY OFFICERS.

Besides the city officers already mentioned there were a number of minor officers appointed by the corporation such as town crier, beadle, wood corder, inspector of water courses, vendue master, appointed by the Governor, officers for measuring salt and wheat, a sealer of weights and measures, clerk of council, and a public whipper. A large part of the executive duties of the city was transacted by committees of councils which had but little resemblance to the committees of more modern times; they were merely a certain number of the members of the council to whom, from time to time, as convenience dictated, certain matters were assigned to be attended to. Thus a certain number of Aldermen were appointed overseers of wharves and other public works. Sometimes an Alderman and sometimes the Mayor is appointed city treasurer. After the manner of English boroughs Philadelphia was given representation in the Legislature, distinct from the county, in

1705.¹ It is interesting to note that the citizens voted not only for their own burgesses, but also for the representatives from the county at large.

FERRIES.

By the royal charter Penn was given the use and control of ferries, and a right of ferriage was a proprietary grant. The corporation had by charter no power over the ferries and as they increased in importance they became a frequent source of contention between the corporation and the Government.

MARKETS.

The markets were a substantial source of revenue and were built in the centre of the street. In some cases this called forth loud protests from the property-holders, who correctly maintained that the corporation had no right to use the streets for such purpose.

COURTS.

By the Charter, in accordance with the accepted idea of mediæval times when executive and legislative officers had frequently judicial duties and powers, the Mayor, Aldermen, and Recorder had given them large criminal jurisdiction to try all crimes and felonies and misdemeanors; they had also the powers of justices of the peace and authority to take cognizance of debts in actions *burnell* and *staple*. Quite early in the city's history there was an ordinance establishing a municipal court for the collection of debts under 40s. A curious petition has been found among the Penn manuscripts asking for redress in this matter, dated in 1704: "To the Hon. John Evans Governor The Humble Petition of Diverse poor Inhabitants of the City & County of Phila Humbly sheweth That whereas &c an act of assembly has constituted a justice court for collection of

¹ Chapt. 137, MSS. Laws.

small debts, notwithstanding The Mayor Recorder & Aldermen have taken it upon themselves to erect a court for determining small debts & established large fees & compelled divers of your petitioners to pay the same extravagant fees & some of your Petitioners not having money to pay their creditors & the said Extravagant fees have been Kept in the common gaol several weeks until they did find a person to sell themselves unto for a term of years to pay the same & redeem their bodies to the great Ruine & Destruction of themselves & families. May it therefore please Your Honour in your usual Mercy, Clemency & Goodness The premises wholly to consider and deliver your Petitioner & all other the Poor distressed Inhabitants of this City out of the Jaws of that pernicious, devouring & Extravagant Court by taking such methods &c. and your distressed Petitioners & their poor families shall ever most heartily pray as in all humble duty bound for your Honour's health and prosperity."

Possibly as a result of this petition an act was passed May 28, 1715, repealing the city ordinance creating this 40 shillings or two weeks court, and making the jurisdiction of the Justice of the Peace exclusive and final. Except therefore as the Mayor and Aldermen sat as Justices of the Peace, the jurisdiction of the City Courts may be said to have been confined mainly to criminal matters—the County Courts being open to the civil suitor.

The ordinances for this period are, with few exceptions, lost, and there is nothing left to indicate their character except a few titles scattered about in different records. Among these may be mentioned, in order to convey an idea of the character of the municipal legislation: ordinances to restrain the number of dogs, &c., to encourage the building of a slaughter-house, a public burial-ground, to prohibit galloping horses and fast driving; regulating price of victuals, requiring the sellers of meat and grain to open the mouths of the sacks that inhabitants may see what they buy, regulating wages; to prevent frequent and tumultuous meetings of the slaves, gaming,

cursing, swearing; and finally, "inasmuch as the Recorder reports that certain persons had lately taken upon them to act plays in the city, and as he was informed intended to make a frequent practice thereof, which it was to be feared would be attended by very mischievous effects, such as the encouraging of idleness and drawing great sums of money from weak and inconsiderate persons who are apt to be fond of such kinds of entertainment, though the performance be ever so mean and contemptible," therefore an ordinance was unanimously passed requesting the Magistrates to send for the actors and to bind them to their good behavior, or to deal with them by such other means as they judge proper.

THE REVOLUTION.

The corporation came to an end by the Revolution, the last records extant bearing date of February, 1776. An act was passed enjoining all officers, such as street commissioners, assessors, &c., to exercise their duties till successors were appointed; and, March 14, 1777, a very important act was passed, providing for the election of Justices of Peace in Philadelphia by wards, reciting the various officers created to act in conjunction with the officers of the corporation, and finally vesting in the Justices of the Peace the functions theretofore exercised by the corporation.¹ Municipal affairs fared as well as they could under this meagre skeleton of government left from the wreck of the old corporation. During a part of the time the city was under military rule. The confusion and imminent dangers of war and revolution do not account, however, for this long delay of legislative action. The citizens could doubtless have had a new charter as early as 1777, as in that year an act was passed renewing the charter of the borough of Lancaster, which, having been granted by the Proprietor, was deemed cancelled by the war. In fact the old corporation had

¹ Bailey's Laws, p. 37.

turned out so inefficient and had so excited the jealousy of the people that there was a general distrust about creating another one. As early as 1773 this feeling was very strong among the citizens and gave vent, among other things to a broadside entitled "An address to my fellow citizens Friends to Liberty and Enemies to Despotism," signed Andrew Marvel, in which he charges that the corporation have exceeded their powers, and concludes by calling on the people "to lay the ax to the root of this unprofitable tree and apply to the crown for a dissolution of the charter." While the abuses in Philadelphia were never as extensive as in the towns and boroughs of England, they were sufficient to afford ample cause for the universal complaint. The condition of the revenue has been described. The minute distribution of authority and the constant distrust and jealousy between the corporation and the various boards and commissions were principal causes of the disordered condition of affairs. The streets were in a wretched condition. The magistrates and assessors were hampered by the necessity of calling a meeting of the Common Council every time a minute exigency for summons arose, however trivial. The business of the Council was conducted without system, and, in consequence of the absence of officers possessing adequate executive authority, the time was largely frittered away in trivial matters. But the leading defect that went to the root of the abuses incident to the system, and explains the distrust and dislike of the people for the municipal government was, that the government consisted of a corporate body, existing independently of the community. The corporation came to look upon itself as a separate and exclusive body, and, while it had powers and privileges within the city, in many cases all identity of interest was lost. The inhabitants at large possessed very imperfect knowledge of the proceedings of the corporation; the ordinances which were passed, as well as those repealed, were often unpublished or were printed upon loose broadsides; great ignorance prevailed as to their provisions and those of the acts of legislature and as to the extent of powers

granted by the charter. All were naturally violated with impunity. Not the least defect was that executive officers, appointed by the charter for particular functions, were regarded as a necessary part of the legislative body. This notion originated in times when the separation of constitutional authority was not understood, and when legislative, judicial, and executive functions were confounded. That the public property should be mismanaged was an inevitable result of the system. Thus, while it is almost a maxim of modern legislative assemblies of any kind that the individual members shall not profit in any manner from the public property under their control, the members of Councils were constantly making profitable contracts with individual members. On the other hand it must be said that the personnel of the corporation was generally good, and comprised many of Philadelphia's most honored names.

THIRD PERIOD, 1789-1854.

At the fall of Penn's Charter with the Revolution, when the war cloud had passed by, the evils arising from the lack of systematic government became so imminent that the memories of past grievances vanished before present necessities, and, in 1783, a petition largely signed was presented to the legislature and referred to the city members. As a result of this petition we have the second charter of Philadelphia, passed on 11th day of March, 1789. The revolution of 1776 was followed by no more radical change in state and national affairs than it introduced into the municipal history of Philadelphia. The legislative charter of 1789 created a modern municipality in sharp contradistinction to the mediæval character of the Proprietary Charter. The preamble to the new charter set out "that the government of the city, in its present form, was inadequate to the suppression of vice and immorality, to the advancement of the public health and order, and to the promotion of trade, industry and happiness, &c." The Aldermen

and Councilmen were elected by the people, the Mayor by the Aldermen, the Recorder by the Mayor and Aldermen. There was still but a single legislative chamber. The ordinances were to be published. The Mayor's Court was continued, and an Alderman's Court established. The duties, powers, contracts, and property of the City Wardens and Street Commissioners were transferred to the corporation. Such were the substantial provisions of the Act of 1789, though the full text embodies some other important details which may be considered declaratory of the general powers.

CHANGE EFFECTED BY ACT OF 1789.

The radical change effected by this act is one that marks the fundamental distinction between the mediæval and modern municipality; it is the total abolition of the privileged classes and of every vestige of a close corporation. The government is made essentially representative, and the administration of all local affairs is fully placed in the hands of the people through their duly elected servants. The citizens elected the Common Councilmen and Aldermen; the latter elected the Mayor from their own number; and he appointed such officers as councils thought proper to create. While the essential features of this period were fixed by the Act of 1789, the charter was changed and modified in many important particulars by various supplementary acts.¹ The bicameral system is introduced, the Aldermen, Recorder, and Mayor are stripped of all legislative prerogatives, and the two former are made appointees of the Governor, to hold office for life or good behavior. The whole legislative power of the corporation was exclusively vested in a Select and in a Common Council, who acted in separate bodies. The Mayor became elected by councils from among the Aldermen, but by Act of June, 1839, his election was conferred on the citizens.

¹ Acts of December 9, 1789; April 2, 1790; March 8, 1792; April 4, 1796; April 11, 1799; February 18, 1805.

The records of this period are of the first importance to the student of municipal affairs of Philadelphia. We begin with the advent of Philadelphia as a modern municipality. The entire personality of the city is changed and the entire corporate functions are the direct grant of the new sovereign—the people. The city is now the place, and its people and all freemen have a direct voice in the election of the corporate authorities. It is simply impossible to attempt, in the allotted space, even a very general outline sketch of the various steps of development which took place in this and the following period. The most meagre suggestion of the skeleton of the organic law is all that is possible, so great is the mass of details which make up the municipal history of this century. We must confine ourselves to the general trend of affairs in the hope that such recital may have at least a suggestive value.

The life of the proprietary charter has been considered more fully because it was unique in its way, and an outline of its history did not involve such extensive treatment as does that of later times. From now on, the gravest problems of municipal government crowd upon the city fathers, and wherever we turn we find food and room for meditation. Great economic questions make changes in the departments essential. Gas, steam, electricity, railroads, all combine to introduce new problems and increase the machinery of government.

THE MAYOR.

During this period are noted repeated changes and modifications affecting the Mayor, both as to his duties and methods of election. He was elected first by the Aldermen from their own number, then by councils from the Aldermen, next by councils from the body of the freeholders, and in 1839 by the people from the people. His appointing powers were proportionally very great after 1799, for by that act he was authorized to appoint all officers created by the ordinances of

councils, but the act which provides for making his office elective by the people vests in councils the powers to provide for election or appointment of all officers theretofore appointed by the Mayor. Up to the Act of 1796 he was a component part of councils, the meetings of which he or the Recorder called. He had the same judicial duties and had general supervision. He was a paid official after 1796.

The Recorder and Aldermen retained their judicial functions but soon ceased to be parts of the legislative body, and by Act of 1796 they became appointees of the Governor.

COUNCILS.

Under the charter of 1789 Councils consisted of the Mayor, Recorder and Aldermen, and Common Councilmen. Meetings were called by the Mayor or Recorder. It sat as one body, but, in order to make a valid ordinance, the consent of the Mayor or Recorder, and a majority of the Aldermen and also of the Common Councilmen present, was necessary. The act to alter and amend the several acts incorporating the city¹ made the most radical changes in the government, and especially affected the constitution of Councils. The bicameral system is introduced, though the members of both houses are elected on a general ticket. The meetings are made public, and the whole legislative power is vested in Select and Common Councils, of which the Mayor, Recorder, and Aldermen cease to form a part. Councils have power to provide for the election or appointment of all necessary agents or officers. This duty was performed by Councils until 1799, when the appointment of all officers created by ordinance of Councils was vested in the Mayor, excepting the treasurer, who was invariably elected by Councils. In 1839 the Mayor was divested of the general power of appointment, which was again conferred upon Councils.

¹ Act, Apr. 4, 1796.

ASSUMPTION OF EXECUTIVE POWER BY COUNCILS.

If there is one thing in the history of this period which stands out more clearly defined than any other, it is the trend of assumption by Councils of more and more executive duties by placing them in the hands of committees of their own body. The full fruition of this course of action was to be realized and reaped in our own day; but the policy and precedent had been fully crystallized before consolidation. No one can dispute the obvious necessity of any legislative body acting more or less by committees. The time of the whole body would otherwise be frittered away in discussion of details; but all history teaches us that the constant tendency of all legislative bodies is to absorb, when unchecked, executive and even judicial functions.

GOVERNMENT BY COMMITTEES.

The standing Water Committee is spoken of as in existence in 1806; but it took some time for the development of the system, and not till about 1833 do we see joint standing committees fully recognized by a general ordinance as a permanent factor. Two years later it is further defined as follows: "That for the purpose of auditing and controlling the expenditure of the city and giving necessary directions to the officers of the corporation, and for the prosecution of the public works, the following committees are appointed, &c." By the ordinance of February 25, 1839, these committees were forbidden to exceed their appropriations. They were to present estimates to Councils for the expenses of their departments, exercise general supervision, examine claims, issue requisitions, &c. The Committee on Finance was then, as now, the most important of the committees; it had general charge of the fiscal concerns.

It is instructive to note the changes which took place in the scheme of executive government during this short period.

After experiencing the evils of independent boards of commissioners, power having been given the corporation to regulate its public works, it concentrated all the hitherto-scattered executive duties in one executive board—the City Commissioners. With a wise recognition of the value of a responsible and effective chief magistrate, the appointment of all city officers was vested in the Mayor; but, as time went on, all discretionary power was taken from the Commissioners and vested in the respective committees, and finally all appointing power was taken from the Mayor. While we can only conjecture the motives of this change, it is a fair presumption that it arose from the massing of details of business so that, in the absence of any well-digested system, the City Fathers turned to apparently the easiest method, the division of duties among committees; and the rudimentary principles of sound policy having been violated by the confounding of executive and legislative duties, it is not surprising that the result was weighted with great detriment to the city. An immense business like that of a city must necessarily be very complex; but it should and must be conducted on a practical, scientific basis if the best attainable results are to be hoped for, and such approximately best results cannot be attained under the faulty system of executive government by committees. It is simply a spectacle of a bundle of uncorrelated forces; and friction, incompetence, extravagance, and dishonesty might readily be expected. The answer of history does not disappoint that expectation.

ELECTIVE FRANCHISE.

By the acts of 1789–1796 the power of electing Aldermen was vested in Freeholders and that of electing Councilmen in the Freemen; after 1796 the electoral qualification was defined by the right to vote for Senators and Representatives, and we may therefore infer that State citizenship carried with it the freedom of the city. The mediæval charter was, in theory

and practice, a grant of certain governing rights, privileges and franchises from the proprietor to a privileged class. The commonalty may have been named among the grantees, but it was only the patient ass upon whose back the burden was to be laid with no voice as to choice of drivers. In the new municipality the rights and duties of citizenship follow from existent residence. They can neither be assumed nor laid aside by present choice or refusal. The popular sovereignty as expressed by the voice of the Legislature may impose such duties as in its wisdom seems fitting and expedient; that the residents of a city shall have a voice in the execution of these duties and the appointing of the agents and officers is a well-grounded principle of our institutions, but the manner in which the voice shall be exercised is always within the control of the Legislature.

The importance of the office of City Treasurer was always recognized; all through this period he was elected by councils and supervised by the Mayor and committees.

CITY COMMISSIONERS.

The necessity for legislative assistance arising from the defective character of the proprietary charter has been shown. This defect in the power to administer the most pressing internal affairs was cured, in a measure, by the act of 1789, and the powers and duties of the various commissions were conferred on the corporation, which speedily elected an executive board known as city commissioners, who had charge of the public works. In it were combined the duties and powers of the assessors, street commissioners, and wardens, with a view of obtaining a more intelligent and effective service by reason of this concentration. The commissioners were not elected by the people, but appointed first by the Mayor and then by councils. The elaboration of their duties was the subject of frequent ordinances.

HIGHWAYS.

In the consideration of the subject of highways for this, and in fact for every period, one principle must never be lost sight of. Streets and public squares belong, when once dedicated, to the general, rather than the local public. The municipality holds them in trust for this general public. The name may be changed, but the idea is well expressed in the old title of the King's Highway. This principle is not theoretical alone, but in its application intimately connected with the multitudinous interests dependent upon the control of the highways. The Legislature may say to a city: You shall have such power and control over your streets, and such only as we grant you—our wisdom alone has the power over the King's Highway. One must examine, therefore, not only the charter of the city, but also the pamphlet laws year by year to come to a correct understanding of the subject at any one time. The care of repairs, cleaning and paving streets was, as we have seen, under the executive charge of the city commissioners, but by 1835 the direction of commissioners in this respect was made subject to the oversight and control of the highway committee.

As early as 1807 we note the inception of what has grown into the survey department. The city was considered the cleanest in America, and both the cleaning and paving stand out in sharp contrast to the work of to-day. But it must be remembered that the compact limits of the wealthy city presented a territory which it was child's play to control and supervise as compared with the 129 square miles of the city and county of to-day.

It would be simply attempting the impossible to follow in this paper the growth of the various departments, many of which grew into permanent shape in this period. The very names suggest a chapter of useful knowledge for each topic: City Property, City Trusts, Girard Trust, Water Department, Fire Department, Gas, Railroads, Poor, Education, Police, Finance, Debt, Revenue.

The poor district was under the charge of Guardians appointed by councils, and the commissioners of the districts; this Board had general charge of the control and support of the poor, and levied a tax therefor.

The Port was under the charge of another commission, known as the Port Wardens. It came to consist of a Master Warden, appointed by the Governor, and thirteen Wardens elected by the authorities of the city and river districts.

The health of the city was the subject for the appointment of another quasi-independent commission known as the Board of Health, which, like the Guardians of the Poor, was incorporated in 1806.

The city introduced the Schuylkill water and organized the water department in 1801. A loan of \$150,000 was authorized, for payment of which the entire revenue of the city was pledged. The management of the business was placed in the charge of the Mayor and water committee. The water rents were at first collected by the tax collectors, from lists furnished by the committee. Many ordinances were passed from time to time, relative to waste, injury to pipes, nuisances, making connections and disconnections. The history of the water department is one of considerable interest, and the question, as before us to-day, is full of economic interest to the student of municipal questions. For a time, before consolidation, the city supplied water to the inhabitants of the neighboring districts. Further loans were made for the purchase of the site and erection of Fairmount-works, and the protection of the works led to the purchase of Fairmount Park.

GAS.

The use of illuminating gas dates back as far as 1796, but it was not till 1835, long after it had been in successful operation in other European and American cities, that the subject was acted upon by councils. A gas company was authorized and stock taken, subject to the right of the

corporation to purchase the plant and assume the debt, which was done in 1841. Large loans were made for the purpose, and the management of the gas works was placed in the hands of trustees as security for the payment thereof. The last of these special loans was paid off as late as 1885. A certain supervision of the subject has been exercised by councils and committees, and the gas trust has finally been held to be a department of the city.

EDUCATION AND CHARITIES.

The department of Education is a creature of the State, but councils appointed school directors and voted the appropriations for support of the public schools in Philadelphia. From time to time various sums of money have been bequeathed to the city for various public purposes, notably the large bequest of Stephen Girard in 1832. These have been conducted and administered by the committee on trusts, and by commissioners of the Girard Estate.

POLICE.

The history of the Police Force of this period is of peculiar interest, as it was, so to speak, in a formative era. The police power is inherent in a municipal corporation, and in fact is a primary object of its existence. The exercise of this power or duty may very properly be divided, for convenience of treatment, into two distinct branches :

1st. The preservation of the public peace or safety by means of a constabulary, watch or police force.

2d. The enactment of police regulations. These regulations may be as varied and numerous as the peculiar demands of a particular locality require. Their enactment, of course, is an exercise of the legislative function ; their enforcement comes within the strict lines of executive duty.

The lack of adequate protection of the peace was one of the moving causes, both of the charter of 1789 and that of 1854.

During the interregnum there was practically no police protection to the city, and even after the Act of 1789 the same radically inadequate system continued. The force, if we may use the term, consisted of the High Constable, the constables, and the watch. By the Act of 1789 the appointment and regulation of the watch were placed in the hands of the City Commissioners, who retained the same till 1833; they were to employ and pay a sufficient number of men.

This was certainly an improvement; a paid, regulated, and to some degree, disciplined body of men, was substituted for the unreliable and forced service imposed on the citizens as a public duty. The watch at night were wont to call the hours as they went their rounds, with such comments as they thought might be of interest to the wakeful citizen. In 1833 the will of Stephen Girard found public sentiment ripe for a new effort to obtain a better force. The city was divided into four districts, and the districts into three divisions, with a captain and lieutenant for each district, 24 policemen and 120 watchmen. The police served by day, the watch by night. They had the powers of constables at common law. But the condition of the force was deplorable, despite divers ordinances. In 1838, the mob attacked and burned Pennsylvania Hall, while the Mayor and entire force stood by powerless.

In 1844 the mob again ran rampant in the Native American riots; the police force and civil arm were powerless, and the action of the military served to throw fuel on the flames. There were far more dangerous elements smouldering into flame, and a more dangerous class of the community ready to burst into riot, arson, and bloodshed in 1876, when they were kept in subjection and under control by the determined attitude of Mayor Stokely and his police. The lesson of 1844 incited the legislature to action, and they passed the famous "marshal's bill," creating the police district of Philadelphia and the contiguous districts under charge of a marshal, who had the ultimate power to call out the military. Prior to the Act of 1850, the system of separate forces for closely settled

territory, divided by arbitrary lines, over which the constable or watch were unauthorized to step in enforcing the law, offered a premium to the small boy terrible and to more serious offenders, while the Northern Liberties or Southwark presented a more available temporary haven to the escaping malefactor than Canada now extends to the New York aldermen.

FINANCE.

A crucial test of the theoretical and practical excellence of a municipal government is always to be found in the degree of honesty, economy, and business-like administration incident to the collection and disbursement of the public funds. There is no subject more elusive and none with which the ordinary American conceives himself better fitted to grapple. The financial record of Philadelphia is hardly one of which her people can be proud, and yet it only illustrates the experience of all our great cities. Under the old charter there was no power to levy a tax. This defect was cured by the act of 1789. The financial records are instructive reading; but we cannot review them here. The leading thought is all that may be touched on. The erection of water and gas-works, and the improvement of the streets, necessitated outlays, which, for the time, were very large. As to current expenses, councils estimated the sum needed, and then directed the City Commissioners to levy and collect the tax to meet the same. We can notice the cloven hoof of the policy which has cursed Philadelphia with an enormous debt in the following Micawber-like clause of Section 3 of Ordinance, March 12, 1807: "Whereas, in the demands for the city service for the present year there is, to the amount of \$18,000, for objects which are permanent improvements of or additions to the city property, and not of ordinary or common expense, and which ought, therefore, to be provided for by *money borrowed* rather than by tax on the citizens, &c.," it is enacted that the Mayor borrow, at 6 per cent., \$50,000, and thereby fund the above

item and other floating debts. If one looks at the class of expenditures called permanent improvements, which Councils so glibly class among objects which should be *paid for by money borrowed and not by a tax on citizens*, we find them all to be in the nature of repairs or current expenses—things which perished in the using. Twenty years later the budget foots up to \$232,380.09. The funded debt has risen from \$50,000 to \$1,591,000, and the floating debt is \$95,100. By 1853, the year before consolidation, the annual expenditure had reached \$1,005,732.83, and the interest account indicates a debt of \$7,886,651.11. The tax rate is 58c. on the \$100 and the assessments far below value. The floating debt grew mainly out of the deficiencies in the yearly appropriations, and a considerable portion of the funded debt owed its origin to the same source; but the principal items of the funded debt were incurred for gas, water, and subscription to railroad stock and certain so-called permanent improvements. The right to borrow money to carry out the inherent powers and to effect the express ends of a municipal corporation belongs to such a body at common law, and is only to be precluded by the statute or organic law. The right to subscribe to stock of public corporations, supposed to advance the public good, can only be conferred by the Legislature, and even the right of that body was seriously questioned when first exercised. The question was ably and exhaustively considered as a case of first impressions in our Supreme Court by one of Pennsylvania's greatest jurists, and the decision of C. J. Black settled the principle for his own State and the country, although he questioned the expediency in these words: "It may be conceded that the power of piling up these enormous debts, either on the whole people or on a portion of them, ought not to exist in any department of a free government."

It is simply astounding when the record is dispassionately examined to realize the innate folly exhibited by our fathers, men wise, prudent, and honest in the conduct of their own

affairs, when they came to the conduct of the public funds. They cut every Gordian knot. Supinely they threw themselves, a fearful incubus, on the future with its equal or greater necessities. The delusive idea of the sinking fund, doubtless borrowed from Pitt's English fiasco, was inaugurated by the ordinance of March, 1807. Certain sums were to be carried annually to the fund, the theory being that the sums so carried would, with interest compounded, aggregate to the amounts of the various loans. The proceeds of the sinking fund were to be invested in the purchase of said bonds in open market at par. The theory was beautiful, but, apart from any difficulty in keeping up the fund invested, the practice was, that, while the fathers in their wisdom with one hand carried five or seven thousand dollars annually to the sinking fund, they yearly found new objects in the current expenditures that should be provided for rather "with money borrowed than by a tax on themselves;" so with the other hand they either borrowed from the market or the sinking fund itself a loan of \$10,000 or more, and blandly referred their constituents to the sinking fund which was supposed to be a kind of economic panacea for the cure of debt. When a debt came due that they could not pay, it did not worry them nor the good people of the city. The remedy was at hand; certificates of a new loan were issued. The country was new, the faith of the people in themselves and their future was boundless and they easily accepted low assessments, low tax rates, and high sounding ordinances about transfers to the sinking fund, and hugged the pleasant fiction, based on a spendthrift and specious system of bookkeeping, that the sinking fund was an actual, practical provision for the public debt. The touchstone of the fallacy is seen in the facts of history. The sinking fund did not sink; the debt increased with gigantic strides; the real collateral was the increased earning capacity of the patient ass the public, and its increased capacity for tax bearing. There can be no hope of ever paying a public debt, or of putting it on the high-road

to payment till a city earns more than it spends, or to put it in municipal language, till it raises more by taxes than it spends and borrows each year.

The ordinary subjects of taxation during the period were the persons of citizens and their estates, real and personal, these taxes being laid agreeably to the last county assessment. Collectors of taxes were first appointed by the City Commissioners, afterward by the Mayor, and finally by the Finance Committee. City and county taxes were made a lien in 1824, to be registered when unpaid. Special taxation for municipal improvements was authorized.

REVIEW OF THE THIRD PERIOD.

The records of the period treated above are of the first importance in the consideration of the municipal affairs of Philadelphia. In it we have noted the advent of Philadelphia as a modern American municipality. The entire personality, if we may use the term, of the city is changed; it becomes the creation of the Legislature, and every vestige of a close corporation is swept away. The city is now the place, and its inhabitants, all freemen, have a voice in the election of the municipal government.

Throughout the period is manifest the ebb and flow of two distinct lines of policy. Starting out with a remembrance of the evils of divided authority, and with a well expressed effort toward concentration of executive power and responsibility, illustrated by the large powers of the City Commissioners and Mayor, we find in the latter half of the period as steady a reversal of this policy, indicated by the absorption of all branches of executive supervision and control by the various Committees of Council. The Mayor also is gradually shorn of his various powers and duties as Executive, until he is relegated to the position he holds to-day of being simply chief of police and the figure-head of the corporation, not holding even the check of the veto power. The responsi-

bility is scattered through a dozen committees, whose personnel changes from year to year, and the executive wheels are found running by a complex system which could not fail of disastrous results even then, and still more so when carried over into the operations of the immensely extended, consolidated city and county. The finances of the city, as we see, were conducted on the promissory note basis. Despite all this, however, the city grew and prospered; large enterprises like the gas and water were undertaken and put through successfully; the town was compact and wealthy; the streets, for the time, were well-paved and clean; and the excellent grade of men who were sent to councils preserved the city from many of the evils which the system would otherwise have entailed. The questions which demanded daily attention were neither so grave nor so multitudinous as those which now force themselves on councils; the power of rings and corporations had not obtained the malignant influence which they exercise to-day, and the care of so compact a territory was not nearly so exacting as that involved by our present territory. It was in such matters as police and finance that the lack of a scientific business-like administration was most noticeable.

FOURTH PERIOD, 1854-1887.

The country adjacent to the city and beyond its prescribed limits, especially that along the Delaware known as the "Liberties," very naturally soon began to be densely settled, to assume an urban appearance, and to experience the necessities incident to a city life. This territory was divided into districts, which, beginning with Southwark, were incorporated by successive acts; the government was placed in charge of Commissioners to be elected by the citizens. Other acts incorporated the Northern Liberties, Kensington, Moyamensing, Spring Garden, West Philadelphia, &c., and in the county were various boroughs, towns and townships, such as Germantown, Frankford, Kingsessing.

So intimately connected had become the life and necessities of the most adjacent of these, especially in the matters of police, making and repairing the highways, education, care of the poor, public health, &c., that by the middle of the century many of the most active and influential of the citizens, both of the city proper and the outlying districts, conceiving that the general good would be conserved by a consolidated government, began to agitate the necessity and propriety of such an act being passed by the Legislature. The matter was discussed in the newspapers, public meetings were held, and a bill prepared and presented in the Assembly, but failed of passage owing to the opposition of the local politicians. It was finally made a special issue at the elections for the Legislatures, and a delegation was sent from Philadelphia in 1853 instructed to advocate such an act, and on February 2, 1854, the bill was passed, which was known as the Consolidation Act. The corporation takes the name of "The City of Philadelphia;" its limits are extended to take in the entire county. All the property of the various districts, townships, and old city is vested in the new corporation.

While the subject-matter assumes larger proportions subsequent to consolidation, and many very important elaborations and modifications of the executive scheme are made, yet the organic law remains unchanged, and consolidated Philadelphia is the ripened fruit of the system of the old city. No radical departure marks its advent. The Mayor performs about the same duties as he did in the latter part of the third period, except that he is now granted a veto on the acts or ordinances of councils. The legislative power remains vested in councils, but the members of both branches are elected from wards and not on a general ticket. It was made their duty to provide by ordinance for the several departments which are set out in the act, *i. e.*, law, police, finance, surveys, highways, health, city property, and such others as may from time to time be needful, and, through the Mayor and proper committees, maintain a supervision of each department, &c.

They prescribe by ordinance the number, duties and compensation of all municipal officers, may compel the attendance of witnesses upon any investigation,¹ may impeach the Mayor or other municipal officers. They also appoint the head of departments, such as Commissioner of Highways, Chief Engineer of the Water Works, Gas Trustees, Guardians of the Poor, &c., and, through their committees, keep the control of the executive functions of the municipality. Such officers as the Treasurer, Controller, Solicitor, Receiver of Taxes, are elected by the people.

It is with feelings akin to despair that we think of treating this period in the few lines remaining to us. So many, so varied, and so interesting have been the phases of municipal life which have been worked out or are now before us, that any adequate treatment would take a book, and the most condensed review would duplicate this entire sketch.

The distinctive features introduced by the act of 1854, were the remodelling of the Tax and Finance Departments. The functions of the City Commissioners are distributed to various departments, the title, however, with other duties, is continued.

CITY CONTROLLER.

Perhaps the most important feature of the period has been the establishment and development of the department of City Controller. The Controller was vested with all the powers of County Auditors and had supervision and control of all the fiscal concerns of all departments and officers of the city; he countersigns all warrants, and in his office all accounts, disbursements, and receipts culminate and are recorded. He makes an annual report and estimate to councils. By virtue of the new constitution of 1874, he is made a county officer, and by that and Acts of Assembly he is vested with large

¹This power to compel attendance of witnesses did not come till within a few years.

discretionary powers that are beyond the control either of councils or the courts.

The powers of the Controller are without exaggeration enormous; he is intended, as his name implies, to control the immense financial concerns of this great city. He is literally the guardian of the city's treasury, and the efficient, fearless and honest administration of his office or the reverse is felt to the remotest branch of our complex system. No one who reads carefully his duties and his powers can fail to be impressed with the fact that he is at once the most important and most powerful officer of the city and county, as we know them, up to the passage of the new charter.

GAS AND WATER.

The city has continued a vendor of gas and water up to the present time, but propositions are being earnestly pressed upon councils to sell or lease one or both of these privileges, which would seem to be a most unhappy and dangerous consummation for many obvious reasons: first, because the city makes a handsome profit; and second and more especially, because the control of such immense interests, such great machines by a private corporation is extremely dangerous to the public interests. Any candid thinker must look with deepest concern upon the tremendous influence already exercised by corporations upon state, national, and municipal legislation. All particular applications are alike invidious and uncalled for here, but it is an open secret that City Councils have long been controlled or biased by certain corporate influences, and the judicial ermine has not always been spotless in this respect. If anything can give apparent cause and actual strength to the anarchist movement it will be the reckless disregard of public rights by capital massed in corporate ventures. Third, good water and abundant and cheap light are municipal necessities, of as much importance as clean, well-paved streets and adequate police protection, and should be kept within public control.

POLICE.

As the pressing importance of a better police force was one of the most immediate causes leading to consolidation, we are not surprised to find considerable legislation on this subject since that time. The provisions of the charter were comprehensive and the duty of organizing the department imposed on councils was imperative. The Mayor was here and here alone the responsible head; the duties of officers and the rules and regulations of the force were to be prescribed by him subject to the approval of councils. The powers under the riot act of 1850, to call upon the military, are vested in him. The executive force, exclusive of captains, lieutenants, and sergeants, is 1,200 men, not at all adequate to protect the territory which they have to cover; in some of the outlying wards a policeman is as much of a curiosity as is a well-made street.

POOR.

The property of the Guardians of the Poor was transferred to the city, and the Guardians were elected on the general ticket, but were subsequently elected by Councils. Certain wards, comprising some of the old townships and boroughs, care for their own poor and have a rebate on their taxes. Inspectors of Prisons are appointed by the courts, and the Managers of the House of Correction, established by act of 1871, are elected by councils.

PORT WARDENS AND BOARD OF HEALTH.

Councils appoint the Port Wardens from duplicate nominees from the Board of Trade and Commercial Exchange. The Master Warden and Harbor Master are appointed by the Governor. The Board of Health has a mixed origin—nine are appointed by the courts, three by councils. The Health Officer, Port Physician and Quarantine Master are appointees

of the Governor. The duties of the Board of Health are of the first importance; but they have been much crippled by the surveillance and narrow construction of their powers made by councils. Markets and city property are now in charge of a department, headed by a Commissioner elected by councils, who is charged with the renting and collecting the rent of all real estate.

FAIRMOUNT PARK.

Fairmount Park is a creation of this period, and owes its existence to the necessity of improving and protecting the water supply. Its present area is $2,791\frac{1}{8}$ acres, its extreme length $12\frac{1}{2}$ miles, and it contains, besides the water works, many miles of drives, bridle paths, and walks. It is in charge of a Park Commission, which consists of the Mayor, Presidents of City Councils, Commissioner of City Property, Chief Engineer of the Water Department, with ten citizens appointed for five years by the courts. The Park is under their control, and they have the supervision of the expenditure of all monies, and appointment of officers, agents and employees, park-guards, &c.

TRUSTS AND CHARITIES.

All the duties, rights and powers of the city concerning Trusts and Charities are discharged by a Board consisting of the Mayor, Presidents of Councils, and twelve citizens appointed by the courts.

PUBLIC BUILDINGS COMMISSION.

By the Act of 1870 was created what is known as the Public Buildings Commission, for the erection of municipal buildings. The Board consisted of the Mayor, Presidents of Councils, *ex officio*, and certain commissioners named in the act. Vacancies are filled by the Board. It was made the duty of the Mayor, Controller, City Commissioners and City Treas-

urer, of all other officers, and of councils, to do all acts necessary to carry out the intent of this act. The commissioners had power to make contracts, employ agents, and generally to do all things necessary, and could call upon councils to lay an annual tax sufficient to meet their annual expenses. The creation of such a commission is not without precedent here and abroad, but it is not in accord with modern thought, and it is a matter of criticism and comment on the condition of affairs that the municipality has no voice in the expenditure of millions of its money for a strictly municipal purpose; and still more significant is the reflection that the work has been done better and more honestly, in all probability, than it would have been by the councils which sat for Philadelphia from 1870 to 1877.

EDUCATION.

The care of the schools is committed to school directors or local boards elected in the several wards, and a general Board of Education having charge of the finances, erection, and care of buildings which is appointed by the courts.

RELATION OF CITY AND COUNTY.

By the act of 1854 the County autonomy was preserved and all county officers, such as Judges, District Attorney, Sheriff, Coroner, Register of Wills, Recorder of Deeds, Clerk of Quarter Sessions were continued, save the County Treasurer, Auditors, and Commissioners. The new Constitution transfers the City Treasurer, City Controller, City Commissioners to the class of county officers, subject to the imposition of municipal duties by councils. It was essential for the uniformity of State Legislation that the county should remain intact as it has been the unit of our State system since the time of Penn. The salaries of all county officers are fixed by the Legislature, and their duties are regulated by acts of Assembly, except such as act in a dual capacity for the county

and city when they must render certain obedience to the ordinances of councils. Vacancies are filled by the Governor.

FINANCE.

The administration of the finances of the city during this current period does not present altogether an exhilarating record, but it is one deserving the most careful consideration and candid treatment. The finances are the pulse of the modern city, and show whether the patient is healthy or feverish. It is very difficult to consider this topic in a few pages and do it anything like justice, and in fact we hope here simply to call attention to its leading features. The financial problem which every great city has to solve is fourfold.

1st. Estimating its taxable assets and computing the expenses for the coming year.

2d. Levying and collecting the taxes.

3d. Making and supervising the contracts and expenditures.

4th. Municipal debt; powers to create same; objects for creating it; methods looking toward its ultimate redemption.

ESTIMATING EXPENSES.—COLLECTION OF TAXES.

All departments report to the Controller and he reports to the councils, which also receive through the various committees an idea of the affairs and needs for the ensuing year.

By the act of 1854, councils fixed the rate and laid the tax, and the City Commissioners levied the same. The Assessors were elective—two for each ward. The taxes were made payable to a Receiver of Taxes. Heavy discounts were allowed for prompt payment, and penalties for delay over the year, and delinquent taxes were to be liened. About 1870, owing to the careless and inefficient conduct of the Tax Department, a large amount of taxes was in arrears, which gave color to the erection of a new office—that of the Collector

of Delinquent Taxes, which was one of the most flagrant jobs of the period. The Collector had no new powers beyond those of the Receiver, and was allowed enormous fees and emoluments, amounting in one year to \$147,500. In 1879 the office became the subject of investigation, and it was found that it was conducted on the basis of the grossest favoritism toward the politicians, and that there were \$9,795,149 outstanding as delinquent taxes, that much money had been lost by neglect to lien, and that illegal fees and costs had been retained.

An act was immediately passed, at the instance of the interested parties, legalizing their extortions and conversions; but two years later, the people having become aroused, the office was abolished and its duties reimposed on the Receiver.

BOARD OF REVISION OF TAXES.

For some time after the consolidation, this important department was made up of a Board composed of the Receiver of Taxes and City Commissioner. The Assessors were elective ward officers, and State and city taxes fell upon the same class of objects. The assessments were based on the State triennial assessments, and the jealousy which existed between the counties and the State resulted in low assessments and high rates. The primary object of the local Assessors was to make as low returns as possible, so that their districts and county should bear the least possible share of the State burden. The objection to this course was two-fold: It necessitated high tax rates, and the elasticity of valuations caused the burden to be unequally distributed, the central wards were rated higher than the outlying wards, and the generally exercised discretion of the Assessors opened the door to a vast amount of favoritism when there was no fixed standard of value. With the institution, in 1865, of the present Board of Revision, made up of three citizens appointed by the judges, more intelligent measures followed. Mr. Cochran, appointed in 1866, seeing the defects of the act

of 1865, drafted and secured the passage of the act of 1867. About this time the State relinquished to the county all real estate for purposes of taxation. The valuation through the efforts of Mr. Cochran was brought up to something like the approximate real value. In 1873 the Assessors were made the appointees of the Board, and were thus relieved of influence from their neighbors, upon whom they had to impose the most onerous of all duties, that of tax bearing and to whom they had to look for reelection.

Under the readjustment of values the taxable assets of the city rose from \$159,590,142 in 1866, to \$445,563,317 in 1868, and the rate fell from \$4 to \$1.40. The mistake was that it was reduced too much; had it been retained at \$2, or even \$1.80, we should not have needed the subsequent funding of the floating debt, but councilmen appreciated the popularity of the idea involved in the fatal theory of lowest rates and highest appropriations.

EXPENDITURES.

In addition to levying the tax and fixing the rate, &c., the power of control of the expenditure was vested in councils. They not only said how much and for what purposes money shall be spent, but they had in many instances the power of selecting the disbursing or rather executive agents, such as Chief Commissioner of Highways, &c. They could authorize loans for municipal purposes, and their power to plunge the city into debt was, until very recent years, unlimited. Certain restrictions looking toward an accurate and systematic control of affairs were indeed imposed, but all to little purpose, until the passage in 1879 of the "Pay as you go Act." As early as 1856 it was made the imperative duty of councils to state items of expenditure in making the appropriations. No debt or contract was to be binding unless authorized by law, with an appropriation previously made. The annual deficit, however, from '54 to '61, was \$271,749; from '61 to '67, \$593,896;

when the aggregate was transferred to the funded debt. For the decade from '67 to '77 it averaged \$1,045,172 per year. In 1878 the floating debt was again funded to the amount of 10 millions, making in all \$17,569,458, which have no apology for existence save the failure to collect and levy sufficient taxes to provide for the city's current expenses.

During this time the city warrants bearing 6 per cent. interest were hawked about the street and sold at a discount. The Controller countersigned, and the City Treasurer paid when and as often as they pleased, and "a friend round the corner" drove a thriving trade in purchasing warrants at a discount when there were millions in the city treasury. City warrants were also a favorite temporary investment for the banks. When the warrants were safely in the hands of "the friend," the treasurer would advertise that such and such warrants would be paid. On January 1st, 1866, the funded debt was \$33,837,793.96. On January 1st, 1878, it was \$61,721,541.70, and the floating debt had mounted to the prodigious figures of \$11,893,810.09. The Receiver had collected \$104,531,947.01; the city had received from other sources, \$65,253,995.65. The expenditures had increased from ten to fifteen millions per annum, and, despite the new officer for collecting delinquent taxes, the books showed \$9,495,145 delinquent in 1879. There is now rarely more than \$600,000 delinquent in any one year.

"PAY AS YOU GO" ACT OF 1879.

Prior to 1882, the city's money was deposited in favored banks—the People's Bank, controlled by the "Ring," with a capital of \$150,000, generally having a balance of from \$400,000 to \$900,000 of city money. This evil was cured, in a great measure, by the ordinance of 1882, requiring the city money to be deposited among the banks in a ratio to their capital; but the great check on the carnival of extravagance and reckless disregard of law and sound policy was created in 1879 by the enactment of what is known as the "Pay as You

Go Act." The great principle of this act is that when councils have made the rate and calculated what it will yield, they are obliged to keep their appropriations within the sum so yielded.

CONTRACTS.

When it is stated that the control of making contracts is in the hands of councils, the duty to see that they have been executed under the charge of the Controller, the consideration of the many nice questions which arise is one of practice rather than organic law, and cannot be here entered upon.

The right to file liens for municipal charges against adjacent property-owners was the creation of the Legislature; it is not otherwise inherent in a municipality. Its exercise has involved many nice points of law for the exposition of which we must refer the curious reader to the learned profession which it is hoped may make clear what the courts and law-makers have certainly failed to do, for as to a complete knowledge of this particular branch of the law, the remark of Lord Coke applies most fittingly: "God forbid that one man should know all the law."

SINKING FUND.

The creation of the sinking fund dates back as far as 1807. Its trouble has been that it did not sink, and this has been due to two causes: defective execution of the law and the constant creation of new debt.

It was carried on the basis of the last period, and its calculations based on interest at 6 per cent. compounded, and kept closely invested in the city loan to be purchased at par. The change in the rate of interest has proved a disturbing element in this computation, and the commissioners have not compelled the city to live up to the letter and spirit of the law by appropriating yearly enough money to sink the principal in thirty years, at the reduced rate of interest. The increased price of the investments permitted them to buy. Again, instead of

paying its bills at the end of each year, the city for years was found with an annual deficiency in current expenses almost exactly equal to the appropriations to the fund. Any child could see that on this basis the city would never be out of debt; add to the above the startling factor of the funded debt doubled in ten years, and we have the problem of paying the debt reduced to a question of arithmetic like this: Given a tub half full of water with two bung holes in the side capable of discharging one gallon each per minute, a spigot that will pour into the tub one gallon in five minutes, how long will it take to fill the tub if you open both bung holes and turn on the spigot?

Happily for Philadelphia the act of 1879 stopped the yearly deficit, the manufactory of new debt has been closed and the sinking fund has of late been prudently managed. In point of fact the debt is now being reduced at the rate of nearly two millions a year. The last loan was made payable in annual series of a million a year. The credit of the city is good, and any new loans, which it may be necessary to place, to pay off the balance of loans not sunk which shall mature without complete provision, should be placed at 3 per cent. to 4 per cent. on call by lot.

It is but fair to say that while nobody believes that the city has often secured 100 cents on the dollar to represent its various loans, there yet stand to its credit certain valuable assets in addition to the securities in the sinking fund, which, while perhaps not productive in a money point of view, are yet beyond price for the healthy life of a great city. Gas, water, schools, bridges, Fairmount Park, and the war debt are their own excuse and justification. The criticism is that all these could have been had in better shape and at less cost had the finances and city government generally been honestly conducted on some scientific basis. As it is, the so-called better class of citizens must charge the profit and loss to their own culpable indifference and credulity. When the stockholders of this great corporation wake up to the fact that the

conduct of its affairs is a vast business to be conducted on business principles they will stop confusing such business interests with the Tariff and the Maine election.

THE REFORM MOVEMENT.

After the war began an era of wild expenditure. This was partly due to the inflated character of all expenditures, personal and public, and partly to the fact that men's minds had been so strained by the supreme question of national existence that all matters of local administration seemed trivial compared with the necessity of holding up the hands of the general government. During this period Philadelphia was largely Republican and always loyal. To many who felt strongly on this subject, party fealty became as sacred as religion. They considered the country endangered if a Democrat was elected to councils. This feeling created an atmosphere which made possible the state of affairs that followed: so-called "practical politics" were reduced to a science and what is known as "the Machine" was brought to a high state of perfection. Nothing could have been better adapted to the growth of the Machine and the solidarity of its power than the constitution of our city government. Thirty-two departments or executive arms, all independent of each other and of any head save councils, divided the management of affairs and reduced tangible responsibility to a minimum. The Gas Trustees and political leaders organized disciplined bands of followers who controlled their respective divisions and wards, and at a nod set up and pulled down Mayor, Treasurers and Controllers, Councilmen and Legislators. It was well understood that a seat in councils was worth money in those days. The public alone had no voice in the matter, though for this it was responsible, for the citizens received their party tickets and voted them with the bigoted zeal of Puritan witch-burners.

The incipency of the modern independent movement may be assigned to the passage of the act creating the Public

Buildings Commission, and so strong was the feeling in favor of a repeal of the bill, expressed at a public meeting and elsewhere, that a majority was nearly obtained for the purpose. The few obstructing votes could have been purchased for \$1,500; but the gentlemen heading the movement were not "practical" politicians, and the repeal measure failed. The next fall, \$15,000 were contributed to support an independent municipal ticket, which polled only 3,500 votes, and the incipient reform movement seemed dead. Four important acts were passed, however, which made subsequent reform more possible. First, the abolition of the slip ticket—that is, voting for all officers from Governor to division officers on a single ticket. Second, the modification of the registry law, which was so arranged that the franchise was practically in the control of the machine. Third, the divorce of State and municipal elections, which were assigned to different ends of the year. Fourth, substituting salaries for fees. It is not to be inferred that during all this time there were no fearless nor conscientious men in councils. From time to time warning voices were raised, but the indifference of the public and the vices of the system were so great that corruption and mismanagement were absolutely invited guests. The public was like a deaf adder, whose ear no voice could reach. At length a feeling of unrest and revolt began to manifest itself, and about 1874 a few gentlemen in councils, representatives of both parties, became persistent in their denunciation of the existing state of things, and, under the lead of a few men who deserve well of the Republic, a movement was started that has effected incalculable good in Philadelphia. In 1877, by the aid of independent votes, a Controller was elected who, for the first time, controlled. An electric light was thrown on many abuses which had long been patent to those who had eyes to see. A halt was called to the reckless disregard of law up to that time manifested by all departments, and the public became thoroughly aroused to the situation. In 1880 the Citizens' Reform Committee of One Hundred, consisting of

well-known Republican merchants and professional men, was organized. They carried the war into Africa, fought the Ring at every point and at all points for city and county officers, for Councils and Legislature—the plan being to wait for the nominations of the two great parties and endorse one or the other of the candidates, or even nominate candidates of their own. They sent tickets to every citizen, and created the class of vest-pocket voters—men who come to the polls with their tickets made up, to the confusion of “the boys.” They prosecuted election frauds, and, what is more, secured many convictions, which caused a wholesome respect for the sanctity of the ballot-box. They changed for a while the complexion of councils, elected a reform Mayor and Receiver of Taxes, caused the repeal of the infamous Delinquent Tax Collector’s Bill and the equally notorious and obnoxious Recorder’s Bill, and generally made a more decent observance of the law necessary throughout the city. In its nature, however, the remedy was esoteric and revolutionary, and, therefore, necessarily ephemeral. It could not retain the spoils system and thereby attract the workers. Its candidates, when elected, often betrayed it and went over to the Regulars, whom, they foresaw, had more staying qualities. Its members became tired of the thankless task of spending time and money in what must be a continuous, unending battle. The people became restive, and refused their support to what jarred on their conservative ideas and what they were pleased to call the dictation of an autocratic, self-constituted body. The cry was raised: “Who made thee a ruler and a judge over us?” They became tired of hearing Aristides called the Just.

In 1883 the committees’ candidate for controller was defeated in a pitched battle, and the following spring the Reform Mayor was beaten by over 7,000 votes by the most advanced type of a machine politician, who has since been impeached by his own party in common council for pecuniary malfeasance and only saved by the postponement of trial under dictation of the leaders who are now enjoying an apparently complete restoration.

One difficulty which was unsurmountable lay in the constitution of councils; it took three years to clean them out, and then the fight had to begin over again; this fight, therefore, had to be carried on annually in thirty-one wards, and it is obvious that nothing but an organized machine could be relied on to keep it up. Between the two parties you can rally a casting vote for an occasional supreme effort, but a sustained effort to keep up the tone of a system which could only be endurable by unattainable personal perfection is obviously unscientific and inadequate. It is no discredit to the committee to say that they did the possible, but could not do the impossible. They left us valuable legacies, a greater degree of purity of the ballot-box, a greater respect for law, a sense of power in the people which ever and again upsets party expectation and defeats ring nominations, and they made the Bullitt Bill inevitable. A quarrel between the State ring and the city ring made immediately possible, in 1885, the passage of the Reform Bill which purports to be a step toward a radical cure of evils inherent in the system. These few observations on the reform movement are of necessity meagre and incomplete; its complete record would fill a volume, but we hope they will give our readers an idea of the sequence of events and the moving spirit.

One other, and that the most important, deduction is to be drawn from the history of the last decade, and that is this: errors of judgment may have been made by the best friends of better government; individuals, the most trusted, may have proved weak at critical moments; selfish and interested motives may have been invoked or may have supplied the mainspring of action to some; the cause itself has from time to time apparently collapsed; but, though individuals and particular movements may have gone down and been forgotten, there has been a steady advance toward a wider and more serious comprehension of the magnitude of the issues at stake in the progress toward the best attainable government of a great city, and step by step points have been made which are gained forever

and are contributions to the solution of the problem, not in Philadelphia alone but in the Republic at large.

THE REFORM CHARTER OR BULLITT BILL.

In his annual message of January 4, 1876, Governor Hartranft called the attention of the Legislature to the evils of municipal government, concluding with this pointed language: "There is no political problem that, at the present time occasions so much just alarm and is obtaining more anxious thought than the government of cities."

On May 5, 1876, the Legislature passed an act authorizing him to appoint a commission to devise a plan for the government of cities. In December, 1876, eleven commissioners were appointed, and in December of 1877 they drew up an able report, and submitted a well conceived bill for the government of cities. When the bill was submitted to the Legislature, by influence of the party leaders in Philadelphia, it was sent to a committee and promptly smothered; but the seed had been sown and the experience of the ensuing eight years had its effect. In 1882, a joint committee of councils, of which S. Davis Page was chairman, prepared a bill entitled "A Method of Municipal Government for the City of Philadelphia." This bill was promptly suppressed by councils. In the session of 1883, a bill substantially the same was presented in the Legislature by Mr. W. C. Bullitt, member of the House from the eighth ward. Although the Ring was able to defeat it then, as alluded to above, a quarrel among the leaders made it possible to pass it in 1885, its operation being deferred to the spring of 1887, on the ground that the citizens should pass on the man who was to be entrusted with such vast powers. During the consideration of the bill in the House public meetings were held and the tenor and object of the measure expounded by the press, and the issue at last narrowed down to the question of deferred or immediate operation when passed.

Such very briefly is the history of the passage of the Bullitt Bill and as briefly we would summarize its provisions.

ACT FOR THE BETTER GOVERNMENT OF CITIES OF THE
FIRST CLASS, PASSED JUNE 1, 1886.

The Mayor is made by this act chief executive officer, and the executive power is vested in him and in certain departments. It is the duty of the Mayor to be vigilant and active in causing the ordinances of the city and the laws of the State to be enforced. He calls special meetings of councils and at least once a year advises them by annual message. He calls together once a month the heads of departments for advice, and may call on them for reports. Records are kept of such meetings. The Mayor is *ex-officio* member of all Boards. During the recess of Councils he may fill all vacancies where he has the right of appointment. He may disapprove items of appropriation bills. He may appoint without notice, at any time, three persons to audit the accounts of any department. These are the following executive departments :

- I. Department of Public Safety.
- II. " " " Works.
- III. " " Receiver of Taxes.
- IV. " " City Treasurer.
- V. " " " Controller.
- VI. " " Law.
- VII. " " Education.
- VIII. " " Charities and Correction.
- IX. Sinking Fund Commission.

No new departments shall be created. Councils shall provide by ordinance for such bureaus, clerks and other subordinate officers required by departments. Each department may prescribe rules and regulations not inconsistent with law for its own government, and shall report to the Mayor

and councils when required. The Mayor may, by written order giving his reason, remove from office any head of department appointed by him.

DEPARTMENT OF PUBLIC SAFETY.

This department shall be under the charge of one Director, and it includes the care, &c., of all affairs relating to police, public health, and inspection of buildings, fires, telegraph alarms, &c. The Mayor, in cases of emergency, may take command of the police and appoint special patrolmen. Members of the fire, police, and telegraph forces must be uniformed. Pensions are provided for firemen and policemen. Dismissals from police and fire forces, unless requested in writing, shall only be made by a court of trial composed of equals or superiors in same force. This court shall be appointed and sworn by the Director. The Board of Building Inspectors shall continue with the powers and duties now vested in it by law.

DEPARTMENT OF PUBLIC WORKS

Shall be under charge of one Director. Its province covers the gas and water-works, grading, repairing, cleaning, and lighting of streets, the construction and repair of public buildings, bridges, public squares, real estate (except such as may be used hereafter for educational or police purposes), surveys, engineering, sewerage, drainage, and dredging, and all matters affecting the highways, footways, wharves, and docks. The powers of the Public Building Commission, however, are left untouched.

DEPARTMENT OF RECEIVER OF TAXES.

The Receiver of Taxes shall be the head of this department. He shall be elected and give security as now provided by law. All officers charged with the duty of collecting taxes and

funds derived from loans and licenses shall be attached to and under control of this department. The Boards of City Trusts and Revision of Taxes shall be appointed and perform their functions as heretofore.

DEPARTMENT OF CITY TREASURER.

The City Treasurer shall be the head of this department, he shall be elected, &c., as now provided by law. No person is eligible unless a resident for seven years.

He shall demand and receive all moneys payable to the city, and pay all warrants duly issued and countersigned.

No money shall be drawn from the City Treasury, except by due process of law or upon warrants, signed by the head of the appropriate department and countersigned by the Controller, which shall state the consideration of the same and the particular fund or appropriation to which the same is chargeable. He shall keep distinct accounts, make daily deposits in such banks as councils may direct, and make daily reports to the Controller.

DEPARTMENT OF CITY CONTROLLER.

The City Controller shall be the head of this department, and shall be elected as now required by law; he shall keep separate accounts of all items; audit all the city accounts; see that the appropriations are not overdrawn; shall not approve warrants containing items for which no appropriation was made; may require evidence of the justness of each claim; perform all duties required by law; contents of every contract involving an appropriation must be filed in his office; shall make yearly reports to councils.

DEPARTMENT OF LAW.

The head is the City Solicitor, elected for three years; he shall have as many assistants as councils may authorize; he is

the legal adviser and attorney for the city, and all its departments and officers; prepares all contracts and approves the same; makes daily returns to Controller of all moneys received by him; he approves all security and keeps a registry of all contracts, bonds, &c.

DEPARTMENT OF EDUCATION.

This department continues as now established by law.

DEPARTMENT OF CHARITIES AND CORRECTION.

This department is under the charge of a President and four directors, to whom shall be confided the care and management of the charities, almshouses, hospitals, houses of correction, and all other similar institutions, the control of which is entrusted to the city.

SINKING FUND COMMISSION

Shall continue as now established by law.

APPOINTMENTS OF OFFICERS, CLERKS, &c.

1. The Mayor nominates, and by and with the advice and consent of Select Councils appoints, for the term to which he has been elected, the Directors of the Departments of Public Safety and of Public Works, and the President and Directors of the Department of Charities and Correction.

2. The directors or chief officers of the departments shall appoint all subordinate officers, &c. The heads of departments, by written order, giving their reasons therefor, may remove or suspend subordinates, provided the same is not done for political reasons. Hereafter all appointments and promotions are to be made in accordance with rules providing for competitive examination of applicants.

IMPEACHMENT.

Municipal officers shall be liable to impeachment, suspension, and removal from office for any corrupt act, or practice, mental incapacity or incompetency.

Complaint in writing may be made to the Court of Common Pleas by twenty freeholders, supported by affidavits. If reasonable ground is shown, the Court to grant a rule for the accused to appear on a certain day and answer. On reasonable cause shown, a committee of five reputable citizens are to investigate. These shall be sworn and have full power to examine books, papers, and witnesses. Written report is to be made and filed with the testimony within three weeks. Supervision pending the investigation may be ordered by the Court. If the charge is sustained, Select Councils shall assemble within ten days and sit as a Court of impeachment. Accused may be heard by counsel. Prosecution to be conducted by the City Solicitor. President or associate Judge shall preside at the trial. Decision of Court is to be entered of record. If found guilty, judgment is to be entered and office declared vacant.

CONTRACTS.

Contracts shall be in writing and made in the name of the city, and countersigned by the Controller, filed in the Mayor's office and attested copies furnished the Controller and the department charged with the work.

GENERAL PROVISIONS.

The first election under this act shall be held on the third Tuesday in February, 1887. Prior to January 1, 1887, councils enact ordinances providing for the reorganization of the city departments so as to conform to this act. All executive powers and duties not distributed by this act shall by ordinance be assigned to the proper department. Councils are

granted full powers to compel the attendance of witnesses and the production of books and papers. There are certain other provisions for necessary and obvious requirements of administration.

CONCLUSION.

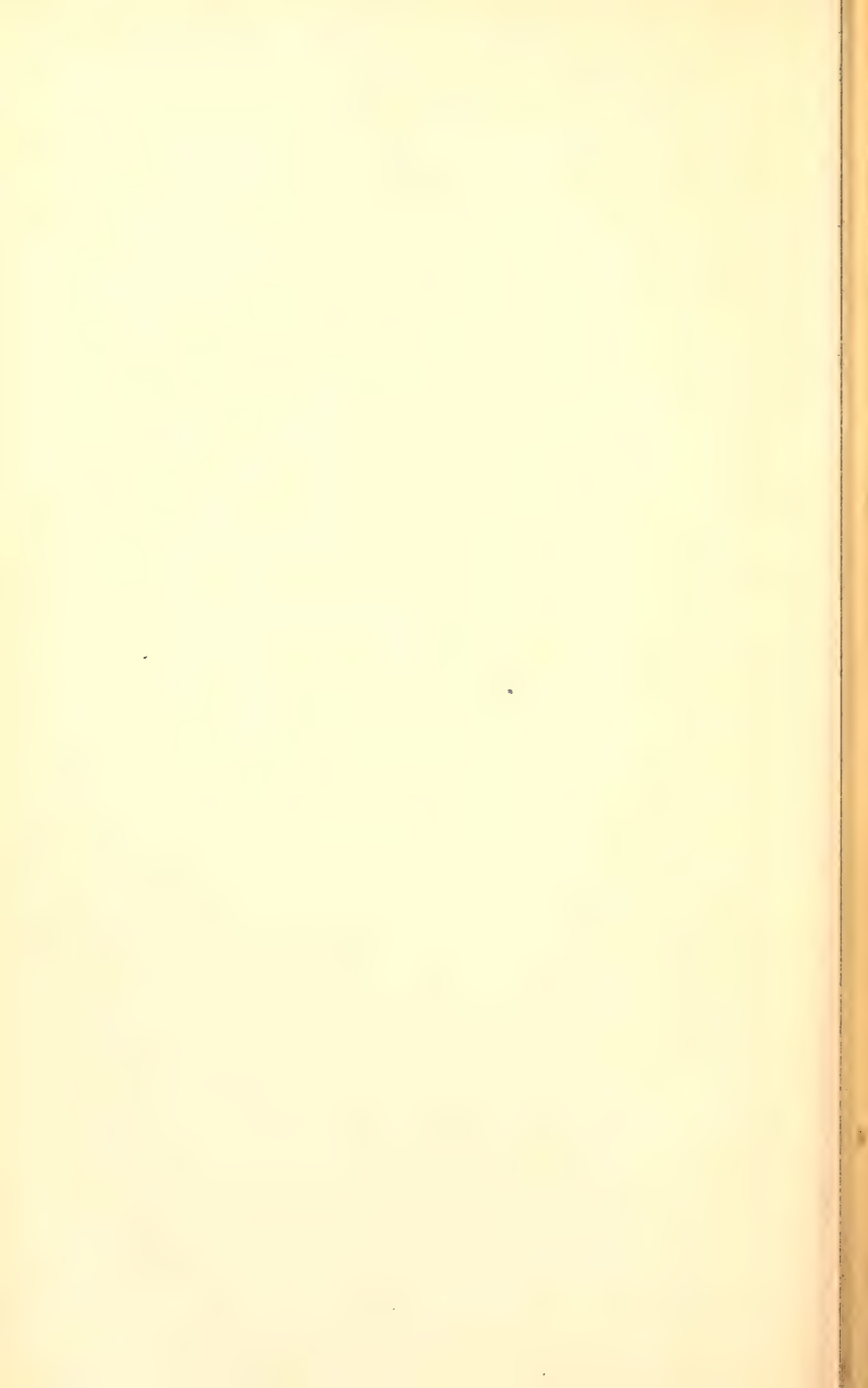
Such, very briefly told, is the outline of the development of the city government of Philadelphia. Many most important and interesting factors have been but scantily touched or passed by entirely, as our allotted space only admitted of an effort to give the leading thought and characteristic of each period. We have seen the city grow from a collection of caves, whose inhabitants were counted by scores, to a crowded mart, the home of a million people; from two square miles of territory to one hundred and twenty-nine; from the government of the County Court and Grand Jury, closely followed by a mediæval charter, to the advent of the latest and best thought on municipal government, as expressed in the Bullitt Bill. We have passed through periods of badly conceived and worse executed systems of government, and if the people of to-day can learn anything by the lessons of the past they ought to have arrived at the fixed conclusion that the management of the municipal affairs of a great city is a large business, and one that they cannot afford to have trifled with if they have any regard for their own interests and the fair fame of the city. It is time to have learned that being sound on the tariff is not the only qualification needed for a chief magistrate, and it ought to be well known by this time that there is no such thing as posterity in the life of a city when calculating on the day of reckoning for drafts on the future.

It is not to be expected, nor is it claimed, that the new charter presents a perfect system; but it has been founded on experience, and is in a line with the most approved development of thought in this country. It presents the Democratic idea of all power delegated by the people to its agents, and adopts the State and Federal system of a decently-endowed and responsible executive.

Much of its immediate success will depend on the wisdom exercised by councils in framing the operating ordinance, and the character and good faith of the men who are first called upon to administer those provisions. It is believed, however, that neither individuals nor the machine can wholly prevent its good aim nor break down the barriers which are raised up against the corruption and incompetence of the past—that, with the act of 1885, a point has been made in the interest of good government not alone for Philadelphia but for all the great cities of America, and that, when the history of the next century is written, the historian will date the birth of scientific government in Philadelphia from the passage of the Bullitt Bill.

III

THE CITY GOVERNMENT
OF
BOSTON



JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History.—*Freeman*

FIFTH SERIES

III

THE CITY GOVERNMENT
OF
BOSTON

BY JAMES M. BUGBEE

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THE CITY GOVERNMENT OF BOSTON.

I.

THE FOUNDERS OF BOSTON.

The controlling influence in the spiritual and political councils of the founders of Boston, in New England, appears to have been held by those members of the Massachusetts Bay Company who came from the eastern counties of which Boston, in Old England, was the chief city, and who were commonly called, at the time, "the Boston men." The members of the company who came from the western counties of Dorset and Devon, and who were known as "the Dorchester men," represented the commercial element in the adventure.¹ But there was no conflict of opinion between these two parties to the enterprise concerning the system of government which was to be set up here. Neither the Boston men nor the Dorchester men had worked out the details of the scheme outlined in the charter of Charles I. Governor Winthrop, in general terms, stated the purpose to be "Cohabitation, and consortship, under a due form of government, both civil and ecclesiastical." The "due form" was to be shaped by circumstances.

It was not until 1641, nearly eleven years after the transfer of the government to New England, that written laws were adopted for the administration of justice; and in the meantime there had been no express recognition of the common law of England. "The deputies," said Winthrop, in 1635,

¹S. F. Haven in *Memorial History of Boston*, I. 88-89.

“having conceived great danger to our state in regard that our magistrates, for want of positive laws in many cases, might proceed according to their discretion, it was agreed that some men should be appointed to frame a body of grounds of laws in resemblance to a Magna Charta, which, being allowed by some of the ministers and the general court, should be received for fundamental laws.”¹

In 1636 John Cotton, having been requested to assist the magistrates in compiling a body of laws, presented a copy of “Moses, his Judicials,” taken almost literally from the books of Moses. It was never adopted, but it was printed in London, in 1641, as “an abstract of the laws of New England as they are now established.” In 1641, the Body of Liberties, composed by Rev. Nathaniel Ward, “formerly a student and practiser in the course of the common law,” was established for a period of three years, “by that experience to have them fully amended and established to be perpetual.”²

In the laws thus tentatively put into operation, it is provided that “The freemen of every township shall have power to make such by-laws and constitutions as may concern the welfare of their town, provided they be not of a criminal, but only of a prudential nature, and that their penalties exceed not 20s. for one offense, and that they be not repugnant to the public laws and orders of the country. And if any inhabitant shall neglect or refuse to observe them, they shall have power to levy the appointed penalties by distress. . . . The freemen of every town, or township, shall have full power to choose yearly, or for less time, out of themselves a convenient number of fit men to order the planting or prudential³ occasions of that town, according to instructions

¹ Winthrop, I. 160.

² Winthrop, II. 55. These laws were not printed, but were published in manuscript. See Mass. Hist. Coll., 3d Series, VIII.

³ “What is intended by the word ‘prudential,’ when thus appropriated, is not very easy to determine. Be it what it may, all other town affairs are determined in a general town meeting of all the inhabitants.” Hutchinson’s Hist. Mass. Bay, I. 175, *note*.

given them in writing, provided nothing be done by them contrary to the public laws and orders of the country ; provided also the number of such select persons be not above nine.”¹ This was copied in substance from an order passed by the general court in 1635.² It forms the basis of the town system.

The early town government in Boston did not differ in any essential respect from the local government in other villages and townships in the colony. Although the “ Boston men ” were prompt to give to their new abode the name of the ancient city which they were taken to represent, there was no disposition to copy, as a whole, or to any considerable extent, the system of local government under which they had been living. It is true that they often followed English precedents ;³ but in the beginning they followed them, it may be said, rather unconsciously, and only to meet the practical necessities of their development. It is natural, therefore, that the parts of the English system which they assimilated should have been those parts which were more especially of

Chief Justice Shaw said (*Willard v. Newburyport*, 12 Pick. 227), “ Perhaps no better approximation to an exact description (of the term prudential affairs) can be made than to say that they embrace that large class of miscellaneous subjects, affecting the accommodation and convenience of the inhabitants, which have been placed under the municipal jurisdiction of towns by statute or usage.” On this question of “ usage ” see note to page 28.

¹ Collections Mass. Hist. Soc., 3d Series, VIII. 227-228.

² Records of Mass., I. 172.

³ The following vote, adopted by the general court in 1647 (some time after the first steps had been taken to form local-government organizations), will be of interest in this connection : “ It is agreed by the Court, to the end we may have the better light for making and proceeding about laws, that there shall be these books following procured for the use of the Court from time to time : two of Sir Edward Cooke upon Littleton ; two of the Books of Entryes ; two of Sir Edward Cooke upon Magna Charta ; two of the New Forms of the Law ; two of Dalton’s Justice of Peace ; two of Sir Edward Cooke’s Reports.” It would appear from this that the magistrates were beginning to seek for precedents of a more modern character than were to be found in “ Moses, his Judicials.”

Teutonic origin, adopted by people who, under similar circumstances, had worked out a practical system of local self-government.

Although Boston was not for some years the most populous town in the colony, it was from the beginning the centre of its political and religious life. In the development of its local government it occupied somewhat the same relation to the other towns in the colony that London occupied, between the twelfth and eighteenth centuries, to the large towns of England.¹ The rights which the freemen of Boston claimed and exercised in the management of their local affairs, the legislation which they procured from time to time with a view to promote their local interests, formed the precedents for similar action on the part of the freemen in other communities.

II.

APPLICATION FOR INCORPORATION IN 1650.

During the period of nearly two centuries between the establishment of the town of Boston and the incorporation of the city, that is, from 1630 to 1822, various schemes were suggested for a general reorganization of the town system. Although the system had grown up in an irregular way, and was greatly wanting in symmetry and consistency, it was admirably adapted to the practical wants of the people; and although a desire for change manifested itself from time to time, the majority of the inhabitants could not agree upon any plan that suited them better until the increase of population made the town system impracticable. The first application for a special form of government was made in 1650. The general court ordered that a charter of incorporation be granted, "provided the articles and terms, privileges and immunities asked may be such as rationally should appear (respect-

¹ See Stubb's Eng. Const., I. 411.

ing the mean condition of the country) fit for the court to grant";¹ and the petitioners were instructed to have their plan ready for examination at the next session of the court. No plan was presented, however, and it does not appear from the contemporary records that any further action was taken.

This brings up the question, which is worth examining a little in this connection, whether the company had any authority, under the charter of 1628-9, to create municipal or other corporations. If the authority existed it was by implication, as a necessary part of the scheme of government provided by the charter, and not by any grant in direct terms. The charter granted to Gorges in 1639 established a provincial government, and in specific terms gave the proprietor, "his heirs and assigns," power "to erect, raise and build cities, boroughs and towns, and to grant letters or charters of incorporation, with all liberties and things belonging to the same." The first charter granted to the Massachusetts Bay Company established a corporation for certain purposes, with scarcely more than the customary powers to municipal corporations to manage their own affairs and control the admission of new members. Unless it was something more than a corporation, it certainly had no power to establish other corporations. That was a prerogative of the King.

The only provision in the charter which can be held as implying this power is that in which the company is authorized "to establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions," not contrary to the laws of the realm of England, "for

¹ This was probably intended as a warning to the petitioners not to present any such ambitious scheme of local government as had been put into operation in Gorgeana eight years before. Winthrop says, in his journal, "They have lately made Agamenticus, a poor village, a corporation, and a tailor their Mayor." Gorgeana (Agamenticus, now the town of York) was the first municipal organization on this continent to receive a city charter in the English form. It had, at the time, a population of about 250 inhabitants, and more than half the adult males were probably required to fill the offices provided in the charter.

settling the forms and ceremonies of government and magistracy fit and necessary, and for naming and settling all sorts of officers, both superior and inferior, which they shall find needful, and the distinguishing and setting forth of the several duties, powers and limits of every such office and place." This is a very comprehensive provision; but it certainly did not include in specific terms what the Gorges charter did, namely, the power to erect and incorporate cities, boroughs and towns. That some at least of the original members of the company understood the limitations of the charter is shown by the fact that in 1632 the pastor and elders at Watertown advised the freemen not to pay a tax levied on them by the Court of Assistants, on the ground that the court occupied the same position as, and had no more authority than, the mayor and aldermen of a municipal corporation. In several decisions of the highest court of Massachusetts since the Revolution it has been held that the mere naming of towns by the Court of Assistants gave them, in effect, corporate powers. Mr. Chief Justice Shaw, an able lawyer and a careful student of the early history of New England, stated, in the course of an elaborate opinion upon a noted case which came before the Supreme Court,¹ that "the charter was not merely a grant of property within the realm of England; but it contained provisions for the establishment of a separate dependent government under the allegiance of the King; and the government thereby constituted was invested with all the civil and political powers to enable it to establish and govern the colony, and to make laws for that purpose not repugnant to the laws of England."

In a subsequent decision² he said: "The terms 'plantation,' 'town' and 'township' seem to be used almost indiscriminately to indicate a cluster or body of persons inhabiting

¹ Mass. Rep., *Commonwealth v. Alger*, 7 Cush. 65.

² *Commonwealth v. Roxbury*, 9 Gray 485. A valuable historical note, written by Horace Gray, then reporter of the decisions, now one of the justices of the U. S. Supreme Court, is appended.

near each other ; and when they became designated by name, certain powers were conferred upon them by general orders and laws, such as to manage their own prudential concerns, to elect deputies and the like, which in effect made them municipal corporations, and no formal acts of incorporation were granted until long afterward."

After quoting the order of the Court of Assistants (Sept. 7, O. S., 1630), "that Trimountain shall be called Boston ; Mattapan, Dorchester ; and the town upon Charles River, Watertown," he adds : " We doubt whether these places had any formal act of incorporation during the existence of the colony, or any other recognition by the government of a corporate existence." An examination of the records shows that towns were not expressly authorized to sue and be sued until 1694, three years after the province charter was granted, nor formally incorporated until 1785, five years after the first State constitution was adopted.

Hutchinson,¹ in describing the condition of local government at the time Boston made the application for incorporation in 1650, says : "Not only the town of Boston, but every town in the old colony was to many purposes a corporate body ; they might sue and be sued, might choose their own officers for managing the affairs of the town, and the selectmen were judges of the breach of the by-laws of the town." The company did not hesitate to incorporate trade organizations as early as 1648, with power to make orders for managing their trade, and all affairs thereunto belonging, and annex reasonable penalties for the breach of the same, said orders not to be enforced until passed and allowed by the court of the county, or the Court of Assistants.² And two years later a formal charter of incorporation was granted to Harvard College. The fact that no such charters were

¹ Hist. Mass. Bay, 2d ed., London, 1760, I. 175, *note*.

² Mass. Records, I., p. 25. The master shoemakers and master coopers were incorporated at that time.

granted to towns shows that the general court was at least doubtful of its powers.

The incorporation of business or educational institutions would not be likely to attract much attention in England; but if a city charter had been granted to Boston, it might have brought on a discussion which the leading members of the company were anxious to avoid.¹

III.

OTHER EFFORTS TO CHANGE THE TOWN ORGANIZATION.

From 1650 to 1708 it does not appear that any efforts were made to change the existing system of town government in Boston. In the latter year, at "a meeting of the freeholders and other inhabitants of Boston," the selectmen represented that the town-orders and by-laws were not properly executed, for the reason, mainly, that there was no proper head or town officer empowered for that purpose, "the law having put the execution of town orders into the hands of the justices only, who are not town but county officers." It cannot be expected, they said, that county officers should take the trouble and care, or make it so much their business to execute the town rules and by-laws as local officers specially appointed for the purpose; and good order was not to be expected under such an administration.² In accordance with their recommendation a committee was appointed to draft a charter of incorporation.

At the annual meeting in the following year such a draft

¹ It may be interesting in this connection to note that the Massachusetts Company became, by purchase of Gorges' grandson, in 1677, Lord Paramount of Maine, and as such had authority, within the territory covered by the patent, to incorporate cities, etc., down, certainly, to the time when its own charter was cancelled.

² Boston Town Records: 8th Report Record Com'rs, 55, 58.

was submitted,¹ but a majority of the voters were unwilling even to consider the subject. There was a decisive vote against calling another meeting for that purpose, and also against accepting the report of the committee. "A demagogue" called out, "It is a whelp now; it will be a lion by and by; knock it in the head. Mr. Moderator, put the question." "Some of the best men in the town," says Hutchinson, writing of it forty or fifty years later, "despairing of doing any service, would never be present in a town meeting afterwards."²

The statement made by the selectmen that the existing laws "put the execution of town orders into the hands of the justices only," would, if taken literally, give a very erroneous impression of the administration of town affairs. After the province charter had been proclaimed, an act was passed (Chap. 28, Province Laws, 1692-3) providing that there should be chosen annually, in March, by the freeholders and other inhabitants of each town, ratable at twenty pounds estate to one single rate besides the poll, "three, five, seven or nine persons, able and discreet, of good conversation, inhabitants within the town, to be selectmen, or townsmen, and overseers of the poor where other persons shall not be particularly chosen to that office; also to nominate and choose a town clerk, a commissioner for assessments, constables, surveyors of highways, tything-men, fence-viewers, clerks of the market, sealers of leather and other ordinary town officers"—namely: a town treasurer, assessors of taxes, collectors, surveyors of lumber, and hog-reeves. The selectmen, when authorized in writing by the town for that purpose, were "empowered to make necessary rules, orders and by-laws for the

¹ The plan reported by the committee was not entered on the records, and cannot now be found among the reports and papers of that year. The committee was composed of thirty-one persons, and included the principal townsmen, among others, Samuel Sewall, Isaac Addington, Elisha Cook, Elisha Hutchinson, Paul Dudley, Col. Winthrop, and Daniel Oliver.

² Hutchinson, *Hist. Mass. Bay*, I. 175, *note*.

directing, managing and ordering the prudential affairs of the town as they might judge most conducing to the peace, welfare and good order thereof, and to annex penalties for the observance of the same not exceeding twenty shillings for one offense; provided they be not repugnant to the laws of the province." By a law passed a few years later (Laws of 1695-6, Ch. 9, Sec. 6), the requirement that town orders should be approved by the justices in quarter sessions was repealed, and it was provided that "all town orders and by-laws, made or to be made by the towns, or selectmen by instruction, should be binding on all the inhabitants of the town, the penalties for breach of any of them to be levied by warrant of distress from the selectmen or town clerk by their order." Upon conviction of any such breach, the party grieved was allowed an appeal to the justices in quarter sessions. This appears to give the selectmen judicial power as well as legislative and executive power. But Hutchinson says that previous to 1691 "the selectmen were judges of the breach of the by-laws of the town, the penalty of which could not exceed twenty shillings," but that "under the new charter the selectmen have no judiciary power."¹ It is clear that under the province charter all judges, justices of the peace and other officers of the courts were to be appointed by the Governor and council; and it is evident from the representations made by the selectmen that they had been deprived of some of their powers, judicial or executive, or both, which they had formerly exercised without any authority in law.

In drafting the first State constitution, which was adopted in 1780, it did not, apparently, occur to anybody that the time would ever come when, through the increase of population, it would be impossible to manage municipal affairs in the larger towns in general meetings of all the qualified voters. The constitution established on a permanent basis the town system just as it then existed. The "freeholders

¹ Hutchinson, *Hist. Mass. Bay*, I. 175, *note*.

and other inhabitants" assembled in town meeting were not merely electors; they constituted a deliberative body on all questions of town government. They discussed, amended, adopted or rejected orders and by-laws; determined the purposes for which the public money should be expended, down even to the smallest details, and they fixed the exact amount to be raised by taxation.

All this, under the constitution, was required to be done in town meeting, without regard to the number of voters entitled to take part in the meeting. Boston contained at this time some three thousand voters; and when exciting questions were under discussion in town meeting "the fierce democratie shook the peninsula" and "fulminated" over the young republic.

In 1784, after a stormy discussion in town meeting, a committee was appointed to report what changes were needed to secure greater efficiency in the administration of local affairs. The committee reported two distinct plans: One to vest the government in a mayor, recorder, twelve aldermen and twenty-four councilmen;¹ and the other to vest the government in a board of nineteen aldermen, the president and six aldermen to be chosen by the citizens at large, and the other twelve aldermen by the several wards, one from each. Both plans were summarily rejected, not because they were contrary to the provisions of the new constitution, for no such objection appears to have been raised, but because a majority of the people clung to the old town system as the stronghold of their liberties.

In 1815 the population of the town had reached about 36,000, and the votes numbered nearly 6,000. The constitutional restriction had then become known to the inhabitants, and those who were dissatisfied with the old system exercised their ingenuity in devising a compromise measure which it

¹This is substantially the same as the form of government provided in the charter granted by George II. to New York in 1730.

would be competent for the general court to adopt. A committee of prominent citizens reported a bill which provided that the selectmen of the town, annually chosen according to law, together with twenty-four delegates and one intendant, should be a body corporate and politic, under the title of "The Intendant and Municipality of the Town and City of Boston."

There were to be two delegates from each ward, freeholders in the town, and residents in the wards for which they were severally chosen. The selectmen and delegates, together with overseers of the poor and members of the board of health, also chosen by popular vote, were to assemble annually and elect by joint ballot one person, to be called "Intendant," who, *ex officio*, was to be chairman of the selectmen and of the school committee; and who, with the concurrence of the selectmen, was to have the general superintendence of the police. The intendant and municipality were to make by-laws and ordinances. The municipality was to elect all officers except those chosen by popular vote; and also to make appropriations for the maintenance of the government; but all expenditures were to be made under the direction of the selectmen, the overseers of the poor, and the board of health. Among other details, the scheme contained this remarkable provision:

"That the municipality shall have power to grant to any association of artists, artificers or mechanics such power of regulating themselves in their several occupations, and of possessing such immunities and imposing such restrictions as the said municipality shall consider for the benefit of the community and for the encouragement of industry."

The intendant and municipality were also required, once in every quarter, to select from the justices of the peace in the county three persons to sit as justices of the police court. In reporting their plan the committee stated that the continuance of the board of selectmen was rendered necessary by the letter of the constitution; that they did not deem it advis-

able to give the chief officer of the town judicial power, because then he would have to be appointed by the executive of the State; that the title they proposed for this officer—"The Intendant"—was borne by the officer in the same station in the city of Charleston, S. C., and "implied the duties which he was to execute"; that the title "Town and City of Boston" was suggested as "expressing truly and distinctly the nature of the corporation, which will be, in effect, the union of town and city authorities in one general government or municipality; that the name city was used because the delegation of powers and the organization of the government would be that of a city, with the names of officers accommodated to the circumstances and habits of the people, and also because, in the opinion of many persons, that name had an effect to 'raise the rank of a place in the estimation of foreigners.'" The committee concluded their report with this fine bit of self-glorification, from which it appears that the good opinion of themselves and their city held by Bostonians of the present day, was no less firmly and ostentatiously held by their grandfathers:

"The learning, intelligence, wealth, numbers, enterprise and public spirit of Boston entitle it, in the opinion of your committee, to the highest discriminating appellation universally given to their most distinguished places by the practice of all European nations." The appeal was seductive, and the compromise measure proposed was an ingenious one, but it failed to secure the approval of the majority of the voters.

In 1820 a State convention was called for the purpose of revising the constitution; and, among other matters submitted to it, was a proposition to authorize the Legislature to grant to towns charters of incorporation with the usual forms of city government. When the question came up for discussion, Lemuel Shaw, afterward chief justice, found it necessary, in urging the adoption of the amendment, to assure members of the convention that it was not the intention to grant special powers and privileges to one class of citizens.

The towns were already in possession of the corporate powers held by the cities in other States of the Union and in Great Britain. They had the power of choosing their own officers, of sending representatives to the general court, and they had jurisdiction over all their local affairs. The purpose of the amendment was simply to authorize such an organization as would permit the people to meet in sections, instead of in one body, and to choose representatives to act for them in the management of town business. Some of the country members feared that a city government might make laws which, not being known to the inhabitants of other parts of the commonwealth, would be "liable to ensnare and entrap" the *pagani*. But they were assured that the city, when incorporated, would have no more power in the making of by-laws and ordinances than the smallest towns already had.

John Adams, formerly President of the United States, and the author of the first State constitution, was a member of the convention, and spoke in support of the amendment. The inconvenience, he said, attending elections in the large seaport towns was so great that he did not suppose any one would have questioned the expediency of giving the Legislature the power proposed. But he was opposed to giving unlimited power; he loved the present system of town organization, and would not have it altered so long as the people could conveniently transact their business in the old way.

In Connecticut, he went on to say, when the Legislature opened the door to all the towns to secure city charters, they were inundated with applications. Even "a little clump of Indians, in that State, took it into their heads to apply for city powers and privileges. This convinced the Legislature of the impolicy of granting charters with so much liberality, and there they stopped." As adopted by the convention, and subsequently ratified by the people,¹ the amendment provided that the general court, subject to the consent of the people

¹ This amendment was adopted by a majority of only 62 votes in a total vote of 28,674.

concerned (as expressed in town meeting), should have full power and authority to erect or constitute municipal or city governments in any of the corporate towns of the Commonwealth containing not less than twelve thousand inhabitants, and to grant to the inhabitants such powers, privileges and immunities, not repugnant to the constitution, as might be deemed necessary or expedient.

The constitutional barrier to the reorganization of the local government having been removed, the question of applying to the Legislature for a city charter was brought before a special meeting of the inhabitants in Faneuil Hall in January, 1822. A committee appointed to report a plan recommended that there should be an executive board of seven persons, called the "Selectmen," elected by the legal voters on a general ticket; that there should be one chief executive, called the "Intendant," elected by the selectmen; that there should be a body with mixed legislative and executive powers, called a "Board of Assistants," consisting of four persons elected from each of the twelve wards. After a long discussion, extending over three days, the report was amended by giving the title of "Mayor" to the chief executive, and by substituting for "Selectmen" the term "Aldermen," and for "Board of Assistants" the term "Common Council."

The report was then adopted—not, however, by a large majority—and on the 14th of January, 1822, a petition for a city charter was presented to the Legislature. The petition recited that the size of the town made it impossible to carry on the government in the old form; that there was no hall large enough to contain all the legal voters, and if such a room existed the attendance would be too large to admit of proper deliberation; that in consequence many of the people stayed away from the meetings, and the business was transacted by a small minority of all the voters; that there was want of unity, regularity, and responsibility in the management of the prudential affairs of the town; that while the evils of such a state of things had been diminished by the intelligence, pru-

dence, and integrity of the different boards entrusted with the management of various branches of town affairs, yet no skill nor integrity could long supply the deficiencies of the present system.

Among those prominent in opposing the application for a charter was Josiah Quincy, who was afterward, as mayor, to win something more than local fame in putting the new system into operation.¹ "He believed," says his son, "the pure democracy of a town meeting more suited to the character of the people of New England, and less liable to abuse and corruption, than a more compact government."² But, whatever his belief may have been, it was simply impracticable to carry on the affairs of the town by a legislative and executive body composed of over seven thousand persons.

Some years afterward, in describing the condition of the government when the change was made, he said: "When a town meeting was held on any exciting subject, those only who obtained places near the moderator could even hear the discussion. A few busy or interested individuals easily obtained the management of the most important affairs in an assembly in which the greater number could have neither voice nor hearing. When the subject was not generally exciting, town meetings were usually composed of the selectmen, the town officers and thirty or forty inhabitants. Those who thus came were, for the most part, drawn to it from some official duty or private interest, which, when performed or attained, they generally troubled themselves but little, or not at all, about the other business of the meeting."³

Before proceeding to describe the new system of government which was to be introduced, it may be interesting to

¹ John Phillips, the father of Wendell Phillips, was the first mayor, but he held the office only a year, and his influence was not felt in the administration. Josiah Quincy succeeded him, holding the office for six years, and really introducing and establishing the new system.

² Life of Josiah Quincy (by Edmund Quincy), 393.

³ Quincy's Municipal History of Boston, 28.

state a little more fully the condition of the town, and of its government at this time. By the census of 1820 the population was 43,298. On the first of May, 1822, it was something over 45,000. The qualified voters numbered between 7,000 and 8,000. With few exceptions the inhabitants were of American origin. Probably there were not a hundred voters who had been born in a foreign land. The men who ruled the town by virtue of their enterprise, public spirit and social standing were the lineal descendants, in many cases, of the original settlers. During the next thirty years there was a remarkable change in the character of the population, of which some account will be given further on. The town officers, elected annually in town meetings held in March or April, consisted of nine selectmen, whose chairman generally had charge of the police; twelve overseers of the poor; thirty firewards; twelve school committeemen; twelve members of a board of health—one chosen by each ward; twenty surveyors of boards; six fence viewers; six cullers of hoops and staves; nine cullers of dry fish; four field drivers; three inspectors of lime; two surveyors of hemp; two surveyors of wheat; two assay masters; a town treasurer, and a town clerk.¹

“Each of these boards,” says the local historian of the time,² “performed its duties with alacrity and fidelity; yet there was a universal complaint that every by-law was infringed with impunity; and the want of one efficient,

¹ It appears from Freeman's “Town Officer,” edition of 1794, that there were at that time 23 different town offices, the incumbents of which were elected annually in town meeting; that, in addition, there were ten different offices filled by appointment of the selectmen (such as measurers and sealers of wood, sealers of weights and measures, enginemen, inspectors of nails, etc.); three different offices filled by appointment of the Court of General Sessions of the Peace (viz.: surveyors, gaugers and searchers of tar, pitch and turpentine, a measurer of salt, and a measurer of grain); and five different offices filled by appointment of the Governor and council (viz.: surveyors of flax seed, inspectors of pot and pearl-ashes, inspectors of tobacco, provers of butter in firkins, and inspectors of loaf sugar).

² Snow's History of Boston, 365.

responsible head to take the lead in the affairs of the town and maintain a general oversight was extensively felt."

The annual taxes were voted in town meeting; and these were assessed by a board composed of twenty-four members (two for each ward) called assistant assessors, and three others selected by the assistants to be "permanent assessors," *i. e.* to hold office during the year. The valuation of real and personal property in 1820 was \$38,289,200, and the rate of taxation was only four dollars on one thousand. The debt transferred from the town to the city was about \$100,000.

IV.

THE FIRST CITY CHARTER, 1822.

On the 22d of February, 1822, the Governor of the State approved an Act passed by the general court, entitled "An Act establishing the City of Boston"; and on the 4th of March following, at "a legal meeting of the freeholders and other inhabitants of the town of Boston,"¹ held in Faneuil

¹ This was the old form of describing those qualified to vote:

By Chap. 28, Province Laws of 1692-93, the persons entitled to take part in town meetings are described as "the freeholders and other inhabitants ratable at twenty pounds estate to one single rate besides the poll." At the time of the Revolution the qualifications for voters in the election of representatives to the general court was an estate of forty shillings per annum in freehold within the province or territory, or other estate to the value of fifty pounds sterling. By the first constitution (1780), Chap. I., Sec. 2, Art. II., the persons entitled to vote are defined as "every male inhabitant of 21 years of age and upwards having a freehold estate within the commonwealth of the annual income of three pounds, or any estate of the value of sixty pounds." By the second article of amendment, adopted in 1821, every male citizen of 21 years of age and upwards, excepting paupers and persons under guardianship, who had resided in the State one year and in the town or district in which he desired to vote six months preceding an election, and who had within two years paid any State or county tax assessed upon him, was authorized to vote for State officers.

By Sec. 8 of the new charter, the qualifications for voters at municipal elections were made the same as at State elections.

It was then, and is now, competent for the general court to extend or restrict the suffrage in town and city elections.

Hall, the question, "Will you accept the charter granted by the Legislature?" was decided in the affirmative by a vote of 2,797 to 1,881.

It was merely a special Act of the Legislature, which could be altered or amended at any time, and which was without effect until accepted by a majority of the legal voters of the town. But, as authorizing the first departure from the system of local government which had been in operation nearly two centuries, it was regarded as a measure of the very highest importance. Not a few of the old residents who had fought under the eyes of Washington in the field, and under the eyes of Samuel Adams in the town meetings, looked upon the act which divided their great folk-mote into twelve separate and silent gatherings, where men delegated their rights to others, as the beginning of the end of democratic government. The whelp of 1709 had grown to be a lion.

Beyond the fact that it established representative government in place of government by general town meeting, the act was not in any sense a radical measure. It did not discontinue the old corporation and establish a new one. The act declared that the inhabitants of the town should "*continue* to be one body politic, in fact and in name," and as such should "have, exercise and enjoy, all the rights, immunities, powers and privileges," and be "subject to all the duties and obligations now incumbent upon, and appertaining to, said town as a municipal corporation." There was no substantial increase of powers or privileges, merely a change in the form of organization.

The charter provided that the citizens duly qualified to vote in city affairs should meet in their respective wards on the second Monday of April, annually (subsequently changed to the Tuesday after the second Monday in December), and choose by ballot a warden, clerk and five inspectors, whose duty it should be to preserve order at elections, and to receive, sort, count and declare all votes at all elections in the ward during the ensuing year; that at the same meeting

the citizens should be called upon to give their votes for "one able and discreet person, being an inhabitant of the city, to be mayor for the term of one year"; also for eight persons to constitute the board of aldermen for the ensuing year; also for "four able and discreet men, being inhabitants of the ward," to be members of the common council; also for one person to be a member of the school committee—the twelve persons so chosen (*i. e.* one from each ward), together with the mayor and aldermen, to constitute the committee having control of all the public schools; also for one person to be a member of the board of twelve overseers of the poor; also for a number of persons (to be determined by the city council, but not less than three from each ward) to be fire-wards of the city.¹

The mayor was declared to be the chief executive officer of the corporation, but he had no power to act independently of the aldermen. The mayor and aldermen constituted one board, of which the mayor was, *ex officio*, the presiding officer. He had a vote on all questions, but not the veto power. In all cases in which appointments to office were directed to be made by the mayor and aldermen, the mayor had the exclusive power of nomination; but all important officers except those of the police were subject to annual election by the city council, some of them in convention of the two branches—*e. g.* the city clerk and the city treasurer—and others by concurrent vote. The mayor and the six aldermen formed the upper branch of the city council, and had substantially the powers formerly exercised by the board of nine selectmen. The common council of forty-eight members (four from each ward) formed the lower branch of the city council, presided over by one of its own members elected for that purpose at the beginning of the municipal year. Except in the election of certain officers, determining the

¹ In 1825 the power to select fire-wards was transferred to the mayor and aldermen.

number of representatives for the corporation to send to the general court,¹ and fixing the mayor's salary, the two branches were required to sit and act separately, each board having a negative upon the proceedings of the other. In general terms, the city council had all the powers formerly exercised by the inhabitants in town meeting. "More especially," the charter said, "they shall have power to make all such needful and salutary by-laws as towns by the laws of this commonwealth have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be enforced . . . without the sanction or confirmation of any court or other authority whatsoever, provided that such by-laws shall not be repugnant to the constitution and laws of the commonwealth, and that they shall be liable to be annulled by the Legislature."

The city council was also authorized "to lay and assess taxes for all purposes for which towns are by law required or authorized to assess and grant money"; also "to provide for the collection of such taxes," and "to make appropriations of all public moneys, and provide for the disbursement thereof, and take suitable measures to ensure a just and prompt account thereof"; also "to provide for the appointment or election of all necessary officers for the good government of the city not otherwise provided for, and prescribe their duties and fix their compensation"; also "to act as a board of health in establishing a quarantine for vessels, and in providing for the health, cleanliness, comfort and order of the city." Under the provision relating to the appointment of

¹ The State constitution of 1821 authorized every corporate town containing 150 ratable polls to elect one representative; every such town containing 375 ratable polls to elect two; every such containing 600 ratable polls to elect three, and proceeding in that manner, making 225 ratable polls the mean increasing number for every additional representative, the city council was authorized to determine the number for Boston "within the constitutional limits."

all necessary officers, the popular branch of the government (the common council) insisted on having an equal voice with the mayor and aldermen in the selection of all officers formerly chosen in town meeting, and also all new officers of any importance required in the reorganization of the government. It was therefore provided by ordinance that the auditor of accounts, the assessors of taxes, the engineers of the fire department, the superintendent of streets, and the heads of the charitable and reformatory institutions, and many of the minor officers, should be elected by concurrence of the two branches of the city council. This method of electing the heads of departments was retained for many years.

There was one provision of the new charter which was introduced for the purpose of making it more acceptable to those who, like Mr. Quincy, were loath to give up the general town meetings.

The mayor and aldermen were authorized to call general meetings of the citizens qualified to vote in city affairs, "to consult upon the common good, to give instructions to their representatives, and to take all lawful measures to obtain a redress of any grievances, according to the right secured to the people by the constitution." This provision has never been of any practical value; but it has been retained in the charter to this day, although several attempts have been made to repeal it. The acts of such a meeting would have no legal standing, and their moral influence would depend, of course, on the purpose of those who took part in the proceedings.

V.

THE REVISED CHARTER OF 1854.

No changes of importance were made in the laws governing the city until the year 1854, when a complete revision of the charter was adopted by the general court, and accepted by the city.

The need of increasing the power of the chief executive had long been felt, and with that view the mayor was given a qualified right to veto all acts of the city council, and all acts of either branch involving an expenditure of money. But the administration of the police and the general executive powers of the corporation were vested in the board of aldermen, which was increased to twelve members. The mayor was authorized to preside at meetings of the aldermen, but he had no vote. Practically the power of the mayor was curtailed, instead of being enlarged, although that was not the purpose of those who framed the new charter.

As chairman and member of the board, which had not only succeeded to all the executive powers formerly exercised by the selectmen of the town, but which had equal powers with the common council as a legislative body, the mayor was in a position to exert an important influence in the management of city affairs.

But what was wanted was greater direct power and responsibility, so as to make the mayor in fact, as well as in name, the chief executive. By giving the aldermen all the powers originally vested in the selectmen, and afterward in the mayor and aldermen, the new charter left the mayor with a mere show of executive power without the substance. He continued for some years to appoint the aldermanic committees and to act as chairman of the police committee, but he acted only on sufferance, and naturally with a view to conciliate those who were the real masters of the situation.

The powers of the city council in the election of heads of departments, and in raising and appropriating the public money, were not changed. The school committee was enlarged to six persons elected from each ward, to serve for three years; the aldermen ceased to be members of the committee,¹ and the mayor was made chairman *ex officio*. As the expendi-

¹ When a vacancy occurred in the committee during the interval between the annual municipal elections, it was filled by the committee in convention with the aldermen.

tures of the city increased, the members of the city council began to take a more active part in the executive business. Standing committees of the two branches were appointed on the different departments of the government, and the officers elected to manage the departments were practically made subordinate to them. The amount of money which the city council was authorized to raise by taxation, or by borrowing on the city's credit, was limited only by the general-statute provisions in relation to the objects of municipal concern.¹ By the city ordinances, and the rules of the two branches, the committees had absolute control over a large portion of the annual appropriations made for the different departments. It is not to be

¹ By the present laws of the commonwealth, cities and towns are authorized "to grant and vote such sums as they judge necessary for the following purposes": Support of public schools; relief, support, maintenance and employment of poor; laying out, making, etc., highways, and town-ways; writing and publishing town histories; burial-grounds; destruction of noxious animals; necessary aid to disabled soldiers and sailors and their families; erecting monuments, decorating graves, etc., in memory of those who fell in the late war; conveying pupils to and from public schools; the detection and apprehension of those committing any felony; the maintenance of free public libraries and reading-rooms; for centennial celebrations (not exceeding one-tenth of one per cent. of assessed valuation); to encourage the planting of shade-trees (not exceeding fifty cents for each of its ratable polls in the preceding year); to erect and maintain public baths; to supply the inhabitants with pure water. In addition to the foregoing objects, cities are authorized to appropriate annually, for armories, for military companies, for the celebration of holidays, and for other public purposes, a sum not exceeding one-fiftieth of one per cent. of its valuation.

As to the power of cities and towns to make appropriations for objects not specially enumerated in the statutes, the Supreme Judicial Court of the commonwealth has said, "An unlawful expenditure of the money of a town cannot be rendered valid by usage, however long-continued. A casual or occasional exercise of a power by one or a few towns will not constitute a usage. It must not only be general, reasonable, and of long continuance, but it must also be a custom necessary to the exercise of some corporal power, or the enjoyment of some corporate right, or which contributes essentially to the necessities and conveniences of the inhabitants." *Hood v. Lynn*, 1 Allen 103, 106 (1861).

wondered at that under such a system the tax rate and debt of the city reached alarming proportions.

In the meantime the character of the population was rapidly changing. In 1840, steamship communication between Boston and Liverpool was established, and special facilities were afforded for the transportation to this country of the poor classes in Great Britain and Ireland. In 1820, as already stated, the inhabitants of Boston were almost wholly of American origin. In 1850, the population had increased from 43,298 to 138,788, of which 53,923 were Irish, 2,666 Germans, and 7,877 from other foreign countries, making a total of 63,466, or 45.73 per cent. Of the 75,322 inhabitants of American origin, about 48,573, or 64.49 per cent., consisted of those, and the descendants of those, living in Boston in 1820; 10,263 of those who had come from other parts of Massachusetts; 14,094 of those who had come from other New England States; and 2,392 of those who had come from still other States of the Union. By the census of 1855 it appeared that the whole number of foreigners was 85,507, an increase of 22,041 in five years.

The last national census (1880) gave a total population of 362,839, of which only 36.44 per cent. were pure natives—*i. e.* native-born with native parents. The foreign-born numbered 114,796—those born of foreign parents 116,311, those born in the United States and having both parents born here 131,742.

That the influence of the foreign-born population began to be felt in municipal politics soon after the tide of immigration set in strongly is shown by the fact that a new political organization, called the Native-American party, put forward a candidate for mayor in 1845, in opposition to the Whig and Democratic candidates, and after a prolonged contest elected him.¹ Later, when the Native-American, or "Know-

¹ A majority of all the votes cast was required by the charter then in force. Eight ballots were taken before the Native-American candidate received the requisite number. The charter of 1854 provided that a plurality should elect.

Nothing," party obtained control of the State government, the State constitution was amended so that no person of foreign birth could vote or be eligible to office until he had resided within the jurisdiction of the United States for two years subsequent to his naturalization, and was otherwise qualified, according to the constitution and laws of the commonwealth.¹ The gallant service which the residents of foreign birth were prompt to render when the war broke out in 1861, made the dominant party in the State rather ashamed of the restrictive legislation, and in 1863 the constitutional amendment was annulled without serious opposition, and naturalized foreigners were put on the same basis as other citizens

VI.

RECENT CHANGES IN THE FORM OF GOVERNMENT.

Since 1854 there have been many changes in the laws relating to the government of Boston, but there has been no complete revision of the charter. During, and immediately following, the war the city's expenditures increased very rapidly. In 1860, with a population of 177,992, the amount of the tax raised for all purposes (State, county and city) was \$2,530,000, and the rate was \$8.99 on \$1,000 of the valuation. In 1865, with a population of 192,318, the amount of tax was \$6,521,921.84, and the rate was \$15.80 on \$1,000. Meanwhile the city debt had been considerably increased. While the manufacturing industries of Boston had been greatly stimulated by the war, its commerce had been seriously impaired, and it was for a time a question whether, for want of proper facilities for the transshipment of products from the West to Europe, the city was not going backward.

¹ Art. XXIII. Amendments to Constitution, adopted 1859. Annulled by Art. XXVI. 1863.

Many of the well-to-do citizens established their legal domiciles out of the city limits, in order to escape the heavy taxes on their personal property.

The increase of city expenditures called for a corresponding increase of service on the part of city-council committees, and, as no direct compensation was allowed, an indirect compensation was sought by the less scrupulous members. There was, in consequence, a marked deterioration in the character of the governing body elected by the people. The annexation of adjoining cities and towns had the effect, for a time at least, to arrest the downward tendency. Between the years 1867 and 1873 two cities and three towns, containing a population of about 86,000, were united to Boston. Probably more than half the voters thus added had a larger interest in the prosperity of Boston than in the municipality in which they had formerly exercised their right of suffrage. But so long as the city council was permitted to exercise executive as well as legislative powers, to raise an unlimited amount of money by taxation, and also by borrowing on the city's credit, and to make its committees the real heads of the executive departments which had the spending of the money so raised, it was impossible long to preserve a high standard of efficiency, economy, or even honesty. Under this vicious system of administration several of the principal executive departments of the government were reduced to such a state of incompetence and corruption that the pressure of public opinion compelled a partial reform by substituting for the city-council committees, commissioners appointed by the mayor and confirmed by the concurrent vote of the aldermen and councilmen. In 1873, a commission¹ was appointed "to revise the charter and other laws relating to the city, and report the same in a

¹The commission consisted of Benjamin R. Curtis, formerly a justice of the U. S. Supreme Court; George T. Bigelow, formerly chief justice of the Supreme Court of Massachusetts; Otis Norcross, formerly mayor of the city; Lemuel Shaw, son of the late chief justice, who drafted the original charter; Arthur W. Austin, formerly collector of the port.

new draft." The draft, submitted two years later, provided that the terms of office of the mayor and the members of the city council should be extended to three years; that the city council should have entire control over all appropriations of public money and the purposes for which it was to be expended; that the heads of the several executive departments of the government (whose powers and duties were carefully defined) should be selected and appointed by the mayor and confirmed by concurrent vote of the two branches of the city council;¹ that no member of the board of aldermen or common council, acting either individually or as a committee, should make any disbursement of public money, or perform any executive duty whatever, except as specially authorized by law. In their report the commissioners described the changes which had taken place in the population, the extent of territory, and the amount of taxable property since the first city charter was granted, and then went on to say:

"Instead of a small, compact community, the leading citizens of which were well known to each other, it has become a large metropolis, with a population spread over a large extent of territory, divided into numerous villages, widely separated, having but few interests in common, and the inhabitants of which are but little known to each other. With these changes have come their natural consequences. Many institutions, public works and organizations have grown up or been established, such as the public exigencies

¹ This proposition—that the mayor's appointments should be subject to confirmation by the city council—was introduced with a view to secure the favor of the council in getting the measure through. But as, under the existing system, the council had the sole power of selecting the principal heads of departments, it was not disposed to accept the compromise. One ingenious member of the common council proposed that the two branches should select the officers by concurrent vote, and that the mayor should have a qualified right to veto the action, the same as in the case of orders and ordinances.

² No. 2 City Docs. Boston, 1875, pp. 5-6.

require, and which have added largely to the duties of the public officers of the city, essentially changed their character and rendered their administration more difficult and complicated. Among these may be named the introduction and supply of water ; the maintenance of a large police force ; the care and preservation of the public health ; the efficient management of a fire department ; the great increase of public ways and streets to be laid out, widened and kept in repair ; the multiplication of public schools, and the establishment of hospitals and libraries.

“The enumeration comprises only a portion of the duties now required of the servants of the city. All of them need constant care and supervision, in order that efficient and faithful service may be exercised in the expenditures of the large amounts of money necessary to their support.

“It would seem to be clear that duties so numerous and important cannot be properly superintended and managed by persons who render gratuitous services only, or who are chosen to office not for their experience in the duties which they may be called upon to perform, or their peculiar fitness and skill in the work of the different departments which they may have in charge. The city is a great corporation, upon which is devolved not an abstract duty only of providing for the public welfare, but the practical work of the city in administering its various departments and executing the public works committed to its care. No prudent individual or well-conducted business corporation would trust the management of important affairs to the care of inexperienced, incompetent or inadequately paid agents. No good reason can be given for the adoption of a different policy by the city. The great object in providing for the performance of official services in behalf of the city should be to so regulate it that its servants should, as far as practicable, be trained by experience and practice, and be subject to proper control.”

The recommendations of the commission naturally received little favor from the city council, and as there was no citizens’

organization to press the matter before the Legislature, the elaborate scheme of government, which had been prepared with much care, was tossed back and forth between the two branches of the council for a time and then suffered to drop out of sight. It was undoubtedly open to the criticism of covering too many of the details of administration, of establishing too many offices and departments, and of failing to give sufficient power and responsibility to the chief executive. It took ten years more of committee misgovernment to bring the taxpayers up to the point of demanding a radical change of the old system ; and it was then accomplished by ignoring the city council and appealing directly to the Legislature.

In 1884 a commission, consisting of the chairman of the board of aldermen, the president of the common council, and three citizens selected by the mayor, was appointed to examine the laws relating to the city and report what changes, if any, were necessary or expedient by reason of the increase in area and population. The three members of the commission selected by the mayor, constituting a majority, united in a report which stated very clearly the debased condition of the city service, and which was accompanied by a series of propositions intended to secure greater efficiency, economy, and responsibility in the administration of local affairs.

It appeared that, under the system then in force, the different city officers were elected or appointed as follows : The mayor, three street commissioners and twenty-four school committeemen were elected by the qualified voters on a general ticket ; twelve aldermen were elected by districts ; seventy-two common councilmen were elected by wards ; the city clerk was elected by the city council in convention ; the heads of eight departments were appointed by the mayor, subject to confirmation by concurrent vote of the city council ; one hundred and seventy officers, most of whom received good salaries, were elected by concurrent vote of the city council ; the election officers (856 in number), the constables, and one hundred and twenty-nine other officers, most of whom were

paid by fees, were appointed by the mayor subject to confirmation by the board of aldermen; nine superintendents of bridges were appointed by the aldermen alone. The mayor had power to appoint a single clerk for his own office, but beyond that all his appointments were subject to confirmation.

The commission found that property, both real and personal, was more heavily taxed in Boston than in any other large city in this country. The expenditures on city account, exclusive of payment on account of interest and city debt, amounted to \$27.30 for each inhabitant. The expenditures in New York at the same time amounted to \$16.76; in Baltimore to \$11.67; in Philadelphia to \$10.15; in Cincinnati to \$10.63.

"It is true," the commission said, "that the city government of Boston does more for the comfort and convenience of the people than the government of the cities with which its expenditures have been compared; but it does not do enough more to account for the very great difference in the rate of taxation. . . . The numerous independent departments in the government, and the exercise of executive powers by committees, afford an excellent opportunity to those who seek an expenditure of the public money for purposes by which they will be directly or indirectly benefited. Our system encourages such applications, and, as a consequence, promotes 'jobbery' and 'log-rolling.' Reduce the number of departments and place them under a responsible head, less amenable to political influence, and there would be fewer demands upon the treasury and a more careful scrutiny of such demands when made. . . . In recommending that the legislative power of the local government be vested in the city council, and that the executive power be vested in the mayor and certain heads of departments, we are recommending what long experience has shown to be the only safe and practical method of carrying on the government. . . .

"The state of confusion which exists in our government, and the almost unexampled burden of taxation which rests

upon the people, are due largely, if not wholly, to the departure from that method. . . . If the city council is deprived of executive power, its remaining duties can be better performed by one body than by two. When the attention of the voters is directed to the selection of men for one board, they will be likely to exercise more discrimination than if their attention is divided between selections for two boards. One body having the responsibility is more amenable to public opinion than two, and the voters can more easily fix the responsibility. By relieving the council of the wear and tear which accompanies the selection of the subordinate executive officers, and by relieving its committees of executive duty, it will be possible 'for men of business, competent and trustworthy, who have, with all honest citizens, a common and personal interest in the public welfare, to take part in the legislative branch of the government.'

"In place of the present council of seventy-two persons, elected by the several wards, we propose a council composed of two persons from each of the wards into which the city is or will be divided. This will give an adequate representation to all sections of the city. The body will not be too large for the prompt transaction of business, and it will not be so small that interested parties can easily control the majority.

"In order to carry out the idea of separating the executive from the legislative department, it is necessary that the mayor should have the appointment of all heads of executive departments.

"We have already stated the objections to giving him the sole power of appointment.¹ There are also serious objec-

¹The commission appointed by Governor Tilden to devise a plan of government for the cities in New York, stated in their report, submitted in 1877, that "to bestow upon the mayor the absolute power of appointment and removal of all the principal executive officers would, in the great cities, render him an autocrat. Responsibility for maladministration would, it is true, be easily fastened upon him; but to apply the remedy of deposition from power at an election would be a difficult task. To put into

tions to placing the power of confirmation in the legislative branch. It is in violation of the principle which, as we have shown, lies at the foundation of responsible government. How, then, can we place a check upon the arbitrary exercise of power without unduly interfering with the executive power and responsibility? The only satisfactory solution of the problem appears to be the establishment of an executive council, composed of a small number of persons, elected from the citizens at large upon the minority-representation plan.

"We propose, therefore, that at the election of mayor and members of the city council each voter shall vote for three executive councillors, and that the five persons having the highest number of votes in the whole city shall be declared elected; that the persons so elected shall constitute an executive council to act upon the mayor's appointments of city officers; that they, with the mayor, shall exercise the powers now vested in the street commissioners, and shall also perform certain duties now performed by the board of aldermen in relation to the inspection of prisons and houses of detention, the payment of State aid, and the auditing of county accounts.

"The office being one of real power and importance, but one which will not require so much time as the present aldermanic office, with its executive and legislative duties, will call

the hands of a single man the control of twenty millions of dollars, with liberty to use it to keep himself in place, would be suicidal. On the other hand, to require the concurrence of the aldermen in appointments is to divide and destroy responsibility." A solution of the difficulty, not entirely satisfactory to the commission, was found in giving the mayor the sole power of appointment, except in the case of the chief financial and chief law officers, and checking his power of removal by requiring for that act the approval of the Governor of the State. Commenting on this, and on the condition of affairs in Brooklyn, where for some years the sole power of appointment had been vested in the mayor, the Boston commission said: "That it would not be expedient to give the sole power of appointment to the mayor, and that it would be equally unwise to place the confirming power in the legislative department, are propositions which rest on sound principles; but experience has shown that the difficulty is not to be met by placing the mayor under the control of the chief executive of the State."

for, and be likely to attract, public-spirited and substantial citizens, who, whether in the majority or minority, will be in a position to make their influence felt. By the method of selection proposed the minority will always be sure of a two-fifths representation. This plan works well wherever it has been tried. The minority representatives in the councils of other cities are said to be the most valuable members.

“We propose that the terms of office of the mayor and members of the executive and city councils be extended to two years. This will tend to give greater stability to the municipal system, and will have a conservative influence upon the government. There are two objections to electing a part of the city council each year. The people would not turn out to vote for a few members of the city council and school committee; and if the government was a bad one, the election of a portion only of the legislative branch would not furnish an adequate remedy. The election once in two years of a responsible executive and the full legislative body will have sufficient importance to call out a full expression of the popular will; and on that we must rest our chances of good government.

“In most of the large cities it has been found expedient, as a measure of economy, to allow a fair compensation for the services performed by the legislative department. There is no reason to call for gratuitous service here, any more than in the general court or jury-room. We propose, therefore, that the members of the city council and executive council shall be paid what would be equivalent to about five dollars for each session in council or committee. It is better to fix a definite sum for the year’s service than to allow compensation for each day’s service, as there is a temptation, under the latter method, to multiply committee meetings and to misrepresent the amount of service performed. . . .

“In regard to the executive departments, we propose that the number shall be considerably reduced, and that, with the exception of the office for issuing licenses for the sale of intox-

icating liquors, and certain departments managed by unpaid boards, each department be placed under the charge of one person, who shall have power to appoint his subordinates; the number of the subordinates and the compensation of each, as well as the head of the department, to be fixed, as heretofore, by the city council. There has been a growing feeling against the establishment of what are called 'three-headed commissions,' not so much on account of the expense involved as the divided responsibility, which prevents the citizens from holding an individual accountable for the management of the department. The adoption of the Civil Service Act removes from the domain of political and personal influence the appointment of subordinates in the several departments, so that the objection which has heretofore been urged against giving to one person such large powers of appointment as he would have in the police, fire, and water departments, no longer exists. . . .

"That the mayor should have the initiative in the appointment of the executive officers who have charge of the several departments, is an essential part of our plan. It is contrary to the first principles of good government to give to the legislative body, which has control of the public purse, the election or control (for the election carries with it the control, no matter what the laws and ordinances provide to the contrary) of the individuals by whom the money is to be expended.

"We have already shown that the present want of economy in the management of city affairs is due largely to the multiplicity of departments, and of independent executive officers. Each head of a petty department naturally magnifies his office, demands large and handsomely furnished quarters, seeks to surround himself with a staff of clerks and subordinates, purchases his own supplies, and, deriving his power from the city council, occupies a position in relation to the mayor much the same as the mayor occupies in relation to the Governor. It is easy, therefore, to account for the extraordinary difference in the running expenses of Boston and

those of most other cities in the country. In New York the executive business of the corporation (with the exception of the educational department) is carried on by twelve departments, including the mayor's, five of the departments being under the charge of one commissioner each, four under the charge of three commissioners each, and two under the charge of four commissioners each, making in all twenty-five persons. In Brooklyn there are twelve departments, all but two (assessment of taxes and excise) governed by a single head. In Boston we have thirty-seven different departments, controlled by one hundred and five persons, not including assistant assessors, superintendents of bridges, and numerous committees of the city council, which, as we have already shown, exercise executive powers. . . . It is proposed that the mayor shall have power to veto distinct items or subjects in any ordinance or order; that the mayor or any other municipal officer may be indicted, and, if found guilty, fined or removed from office for a palpable omission of duty, or misconduct, or misfeasance in the discharge of his duties; that the mayor shall, once a month or oftener, call the heads of departments together for consultation and advice upon the affairs of the city; and that the estimates for carrying on the several executive departments of the city shall be examined and revised by the mayor and executive council before being submitted to the city council."

In conclusion the commissioners said: "All the changes proposed are based on experience, and have been approved in practice. We have suggested nothing in the nature of an experiment. Those parts of our present system which appear to work well have been retained, and the method of carrying on the city business with which the people are familiar has not been greatly changed.

"No form of government can be devised which will, in the face of a majority of ignorant or indifferent voters, secure the election of honest and capable officers, and an impartial or economical administration of public affairs. But, to quote

the words of a recent mayor of this city, it is hardly probable that a condition of things can arise in any city in New England where those who have an interest in maintaining order will be outnumbered by those who hope for some personal benefit by creating disorder; therefore, if those who have interests at stake will bestir themselves to protect their interests—and there is no safety in any scheme which can be devised unless they do so—they can better accomplish their purpose by outvoting their opponents than by undertaking to deprive them of privileges which they now possess. The ballot is an educational power. The possession of it quickens the intelligence, and tends to bind the nation together. It is more important to have an alert, well-taught and satisfied people, than a theoretically good legislative machine.

“The most we can demand of the organic law is that it shall give free play to the better social forces, make public servants responsible for their acts, and put the minority in a position to enforce that responsibility, and to detect, expose, and punish the betrayal of public trust.”

Two minority reports were presented from the representatives of the two branches of the city council. The chairman of the board of aldermen was opposed to any change in the existing organization of the city council, but he favored a reduction in the number of heads of departments (not, however, to the extent recommended by the majority), their appointment by the mayor and aldermen, and a transfer of all executive power to the mayor, aldermen, and heads of departments. By his scheme the power of the board which he represented was greatly increased.

The president of the common council was opposed to any change in the organization of the city council, except to extend the term of service of members to three years; but he recommended the establishment of a board of public works, and the election, by concurrent vote of the city council, of all salaried heads of departments, the mayor to have a qualified veto of such elections to the same extent that he has over other acts of the legislative body.

The temper in which the majority report was discussed by the city council showed that nothing in the way of an adequate reform of existing abuses could be expected from that body. A citizens' association was formed, with a view to securing some measure of reform by direct application to the general court. The scheme finally adopted by the association included many of the important recommendations made by the commission. As it seemed necessary, in order to secure favorable action, that whatever scheme was presented should have the support of the entire organization, and as there were differences of opinion as to the expediency of reducing the legislative department of the government to one body, and also as to the expediency of giving the mayor the sole power of appointment, a compromise was agreed upon by which the two branches of the city council were retained in their original form, but without executive power, and the mayor was authorized to appoint all city officers, subject to confirmation by the aldermen, and to remove any of them for such cause as he might deem sufficient, a distinct statement of the cause being given in his order for removal. The mayor was also authorized to veto, subject to the usual qualifications, the separate items in any ordinance or order involving an appropriation or expenditure of money.

The scheme prepared by the association was adopted by the general court without material alteration. Another important measure, which originated with the then mayor, and which was favored by the Reform Association, was also adopted at the same time, limiting the rate of taxation to a sum not exceeding nine dollars (exclusive of the State tax, and of the sums required by law to be raised on account of the city debt) on every one thousand dollars of the average of the assessors' valuation of taxable property for the preceding five years. In connection with this restriction, the limit of municipal indebtedness, which, by an act passed in 1875, had been fixed at an amount not exceeding three per cent. of the last preceding valuation, was further reduced to two per cent. on the average valuation for the preceding five years.

The general court of the same year (1885) passed another act, which was prepared by those specially interested in the cause of temperance and the suppression of vice, establishing a board of police for Boston. In 1878 a special act of the general court authorized the mayor to appoint, subject to the approval of the city council, three commissioners to have charge of the police department, with power to appoint all the officers, and to grant licenses for the sale of intoxicating liquors. It was represented that the influences under which the commissioners were appointed prevented them from properly executing the State laws for regulating and restraining the sale of liquor and for the suppression of gambling and prostitution. There was a good deal of evidence to sustain the charge. But it was evident that a majority of the voters of Boston, including many substantial citizens who were eager to support any legitimate measure for the restriction of the liquor traffic, were opposed to the principle of allowing the State to take possession of, and govern, the most important department of the local government—a department which, although it had shown some laxity in the enforcement of certain laws, had not failed, on the whole, to preserve order and protect life and property. The act provided for the appointment, by the Governor and council, of three citizens of Boston, to constitute a board of police, with power to “appoint, establish and organize” the police of Boston, and to license, regulate, and restrain the sale of intoxicating liquors.¹ The city is required to pay, on the requisition of the board, all expenses of maintaining the establishment. In case of a riot, or violent disturbance of public order, the mayor is authorized for the time being to assume control of the force, and the police board is required to execute his orders.

¹ Each city or town of the commonwealth determines annually, by popular vote, whether licenses for the sale of intoxicating liquor therein shall be granted or withheld. In Boston, and, indeed, in most of the cities, there is a large vote in favor of license.

The revenue derived from these licenses in Boston amounts to over half a million dollars a year.

VII.

OUTLINE OF THE PRESENT CITY GOVERNMENT.

The following outline of the system of local government now in operation under statutes of the commonwealth and ordinances of the city has been carefully prepared from original sources :

The city is divided into twenty-four wards, and each ward is subdivided into voting precincts,¹ containing as nearly as may be five hundred registered voters. The number of voting precincts at this time is 121. All elections, whether for national, State, county, or city officers, are conducted by a warden (who presides at the polling-place,² and has the important powers of a moderator of town meetings), a clerk and two inspectors, all of whom are appointed annually, between the first and the twentieth of September, by the mayor, with the approval of the board of aldermen.³ The warden and one inspector must belong to a different political party from the clerk and the other inspector. The ballots cast at any election are received and counted by these officers, and, after the result is declared in open meeting, a record is made, signed and sent to the city clerk, together with the ballots, which are enclosed in a sealed envelope provided for the purpose.

The municipal election is held on the Tuesday after the second Monday of December annually. The qualifications

¹ The division into wards is made by the city council after the decennial State census is taken. The subdivision into precincts is made by the board of assessors of taxes once in five years.

² The polling-places are designated by the aldermen.

³ Deputies are appointed for each of the officers named, who serve only in the absence of their principals ; and each deputy must be of the same political party as his principal.

of voters are the same in all elections.¹ The mayor, one street commissioner, and eight members of the school committee are voted for annually on a general ticket. One alderman is elected in each of the twelve aldermanic districts into which the city is divided.

Three members of the common council are elected by the voters in each ward.

The Mayor holds office for one year, from the first Monday in January. His salary, as fixed by the city council, is \$10,000. The executive powers of the city are vested in him, "to be exercised through the several officers and boards of the city in their respective departments, under his general supervision and control." He appoints, subject to confirmation of the board of aldermen, all the principal officers and boards (except the board of police, the street commissioners, and the messengers and clerks in attendance upon the city council), and may remove any of them for such cause as he shall specify in the order for removal. He is required to call together the heads of departments once a month, or oftener, for consultation and advice upon the affairs of the city. Every ordinance, order, resolution, or vote of the city council, and every act of either branch, or of the school committee, involving an expenditure of money, must be presented to the mayor for his approval; and in the case of orders, etc., involving the expenditure of money, if there are separate items, he may approve some of the items or sums, and disapprove others. Any ordinance, order, items, or sums disapproved shall not be in force unless reconsidered and approved by a two-thirds vote of the members of the city council present when the vote is taken. The annual estimates of

¹ The general qualifications are as follows: Males 21 years of age and upward (except paupers, persons under guardianship, and persons unable to read the constitution and write their name), who have resided within the State one year and within the city, town or district in which they claim a right to vote six months preceding the election, and who have paid a State or county tax within two years.

expenditures required by the several departments are sent to the mayor for examination, and he is required to submit them, with his recommendation thereon, to the city council. All contracts in which the amount involved exceeds \$1,000 require the written approval of the mayor; all drafts upon the city treasury, and all certificates of indebtedness, also require his approval; and all conveyances, and leases of city land, and all other instruments under seal, executed in behalf of the city, must be signed and delivered by him.¹

The City Council is composed of two branches: (1) The board of aldermen—twelve members—one being elected annually from each of the districts into which the city is, from time to time, divided by the city council; (2) the common council, of 72 members, three being elected from each of the 24 wards into which the city is divided. Neither the city council, nor either branch, nor any member or committee, is allowed to take part, either directly or indirectly, in the employment of labor, the making of contracts, the purchase of materials or supplies; or in the conduct of any of the executive or administrative business of the city; or in the expenditure of public money, except such as may be necessary for the contingent or incidental expenses of the city council or either branch.² The powers conferred upon the

¹ A great many of the minor powers and duties of the mayor are omitted from this statement. It appears from the latest edition of the ordinances that no person can climb a tree, or throw stones, or lie on the grass on the Common, without getting a permit from the mayor!

² The appropriation for "contingent" and "incidental" expenses during the present year amounts to \$68,000. It covers carriage hire, lunches, dinners, etc. In addition to this, an appropriation of \$20,000 is made for "public celebrations." The Civil-Service Act of 1884 contains the following provision: "No city in the commonwealth shall pay any bill incurred by any official or officials thereof for wines, liquors or cigars; nor shall any city pay any bill for refreshments furnished to any official of said city where the amount for any one day shall exceed one dollar for each member of the government of said city who certifies over his own signature to the correctness of the bill." This provision has had only a partial success in checking "municipal junketing," which has long enjoyed a bad eminence in Boston. By connivance with hotel and stable-keepers, the less reputable members of the city council are enabled to evade the law.

city council by the charters of 1822 and 1854—namely, “to make all such needful and salutary by-laws and ordinances, not inconsistent with the laws of this commonwealth, as towns by such laws have power to make and establish”;¹ to prescribe the duties and fix the compensation of city officers; to lay and assess taxes for all purposes for which towns are by law required or authorized to assess and grant money; to provide for the collection of such taxes, make appropriations of all public money, and take measures for a just and prompt account thereof—are still in force. But, as already stated, there is now a limit upon the rate of taxation and the amount of municipal indebtedness.

The School Committee consists of thirty-four persons elected by the qualified voters on a general ticket, eight every year, to serve for three years. The committee is required to organize annually, on the second Monday of January, by the choice of a president (one of its own members) and a secretary and auditing clerk. The committee is also required to elect a superintendent of schools and a board of supervisors, to hold office for the term of two years, unless sooner removed; also all teachers of the public schools, to serve during the pleasure of the committee; and all janitors of the school-houses. The compensation of all the persons so chosen is fixed by the committee. All contracts for the lease or purchase of land, and the erection of school-buildings, require the approval of the committee, and any additions or alterations involving an expenditure of more than \$1,000 also require such approval.

The Street Commissioners—three persons elected by popular vote to serve for three years, one being elected each year—

¹ By the Public Statutes (Chap. 27, Sec. 15) towns may make by-laws “for directing and managing the prudential affairs, preserving the peace and good order and maintaining the internal police thereof.”

The maximum penalty which towns are authorized to annex to a breach of by-laws is \$20 for one offense. In Boston the maximum penalty is \$50. For meaning of “prudential affairs” see note to p. 6.

have the powers of county commissioners, in other counties of the State, in relation to laying out, altering, locating anew or discontinuing streets and ways, and in assessing betterments and damages therefor; provided, however, that where the estimate of the cost of laying out a street exceeds \$10,000, the concurrence of the city council is necessary. They are also authorized to name streets, and, on appeal from the board of assessors, to abate taxes. The paving, grading, repairing and watering of the streets, and the numbering of the buildings thereon, are under the charge of a superintendent of streets, appointed annually by the mayor and aldermen. The ancient powers of surveyors of highways, formerly held by the aldermen, are now vested in the mayor, by the Act of 1885.

The Fire Department is organized by the city council under a special Act of the Legislature, passed in 1850. Three commissioners, appointed by the mayor and aldermen to serve for three years each, are entrusted with the duty of extinguishing fires and protecting life and property in case of fire within the city; and to that end they are authorized to appoint and fix the compensation of all officers and members of the department, and make suitable rules and regulations for their government and discipline. A fire marshal is appointed by the Governor and council, to serve for three years, with power "to examine into the cause, circumstances and origin of fires occurring in Boston," and to "decide whether the fire was the result of carelessness or the act of an incendiary." He has power to subpoena witnesses and compel their attendance. The expenses of his office are paid by the State.

There is a *Department for the Survey and Inspection of Buildings*, the chief officer of which is appointed by the mayor and aldermen to serve for three years. He appoints, with the approval of the mayor, fifteen assistant inspectors. It is their duty to examine buildings in course of erection, alteration or repair, and also all buildings reported dangerous. The records of the department are open to the fire engineers.

The Police Department is managed by a board of police, consisting of three persons, residents of Boston, appointed by the Governor and council to serve for five years each. The two principal political parties are required to be represented on the board. The general powers of the board have been already stated.¹

The Health Department is organized by the city council under the powers granted by the charter of 1854. Three commissioners are appointed by the mayor and aldermen to serve for three years each. They have, by statute and ordinance, very large powers in the establishment of rules and regulations for the preservation of the public health and the abatement of nuisances. They appoint a city physician and port physician. The superintendent of health, so-called, is appointed by the mayor and aldermen. He has the care and maintenance of the city teams and city stables, and, under the direction of the board of health, cleans the public ways and catch-basins and removes the house-dirt, ashes and offal.

The Public Institutions, including under that term the House of Correction, the House of Industry, the House of Reformation, the Home for Pauper and Neglected Children, the almshouses and the Lunatic Hospital, are under the care of a board of nine directors appointed by the mayor and aldermen to serve for three years each. The directors serve without pay.

The City Hospital is managed by an incorporated board of trustees, consisting of five persons appointed by the mayor and aldermen to serve (without pay) for five years each.

The Overseers of the Poor were, until 1864, elected by popular vote²—one from each of the twelve wards. In that

¹ See *ante*, 43 ; also Laws of 1885, Ch. 323.

² Grocers, coal-dealers, and others got elected on the board for the sole purpose of furnishing, either directly or indirectly, the articles for which the city paid. Mayor Quincy attempted in 1824 to obtain additional legislation by which the doings of the board would be brought under the supervision of the city council ; but he failed, and his successors who afterward renewed the attempt failed, for the reason that the people could

year the Legislature authorized the city council to elect them, and they continued so to do until, under the Act of 1885, the power of appointment was given to the mayor and aldermen. They are appointed to serve for three years, four being appointed each year. They have charge of the outdoor relief of the poor (the indoor relief being administered in the almshouses by the directors for public institutions), and the care and custody of the trust funds which have been left to the city for that purpose. They are not compensated for their services.

The Water Department is managed by a board consisting of three persons, appointed by the mayor and aldermen to serve for three years each. The board has charge of the waterworks, and regulates the price, or rents, of water. The city engineer, appointed annually by the mayor and aldermen, is engineer of the waterworks and of such public works as the city council may, from time to time, direct.

The Park Department is organized under a special Act of the Legislature, passed in 1875. Three commissioners are appointed by the mayor and aldermen to serve (without pay) for three years each. They have charge of the parks recently established in the outlying sections of the city, with power to appoint police officers for service therein. Their jurisdiction does not extend to the Common, public garden and other open spaces in the old portion of the city. These are under the charge of a superintendent appointed by the mayor and aldermen.

The Public Library, which is supported by appropriations made by the city council, is managed by a board of trustees incorporated by the Legislature, the members of which, five in number, are appointed by the mayor and aldermen to serve (without pay) for five years each.

The Assessors' Department consists of five principal assess-

not be made to understand why the persons elected by them to the board of overseers were not as trustworthy as those elected to the city council. Memorial Hist. Boston, III. 271.

ors, appointed by the mayor and aldermen for a term of three years each, with full power, under the laws of the State, to value real and personal property, and assess the taxes levied annually by the city council on account of the city, the county, and the State; and of thirty-four first assistant assessors, and the same number of second assistants, appointed annually by the principal assessors, subject to confirmation by the mayor. The assessors make out and deliver to the city collector, on or before the first day of October in each year, tax bills for all taxes assessed on persons or estates.

The City Collector is appointed annually by the mayor and aldermen, with authority to collect all bills and dues payable to the city, and to sell real estate for non-payment of taxes.

Three Registrars of Voters are appointed by the mayor and aldermen, to serve for three years each, whose duties in the preparation and revision of the voting-lists are carefully defined by law. Five *Directors of the Ferries* owned by the city are appointed annually by the mayor and aldermen to serve without pay. Five *Trustees of Mount Hope Cemetery* and five *Commissioners of Cedar Grove Cemetery* are appointed by the mayor and aldermen to serve without pay; the former being appointed annually, and the latter for a term of five years each. Six *Sinking Fund Commissioners* are appointed by the mayor and aldermen to serve without pay for three years each, and to have control of all the sinking funds for the redemption or payment of the city debt. Two *Record Commissioners* are appointed annually by the mayor and aldermen to serve without pay, and to have charge of completing the record of births, marriages, and deaths prior to 1849, and of copying, indexing, and printing the old records. In addition to the officers named, the following, whose titles suggest the duties they perform, are appointed annually by the mayor and aldermen, and their salaries fixed by the city council:

City Treasurer.

City Auditor.

Corporation Counsel.

City Solicitor.

Superintendent of Public Buildings.

City Architect.

Superintendent of Street Lights.

Superintendent of Bridges.

Superintendent of Sewers.

City Surveyor.

Harbor Master, and ten assistants.

Water Registrar.

Registrar of Births, Deaths and Marriages.

Superintendent of Printing.

Superintendent of Faneuil Hall Market.

Inspector of Provisions.

Inspector of Milk and Vinegar.

A Sealer and four Deputy Sealers of Weights and Measures.

A Commissioner on certain bridges between Cambridge and Boston.

Also 968 election officers and their deputies, to serve at the polling-places in the several precincts, and to receive such compensation as the city council may prescribe.

The following officers, appointed annually by the mayor and aldermen, are paid by fees fixed by the public statutes:

1 Inspector of Lime.

1 Culler of Hoops and Staves.

3 Fence Viewers.

10 Field Drivers and Pound Keepers.

3 Surveyors of Marble, etc.

3 Inspectors of Petroleum.

9 Superintendents of Hay Scales.

4 Measurers of Upper Leather.

15 Measurers of Wood and Bark.

20 Measurers of Grain.

15 Inspectors of Pressed Hay.

3 Weighers of Beef.

38 Weighers of Coal.

5 Weighers of Boilers and Heavy Machinery.

92 Undertakers.

4 Weighers and Inspectors of Ballast and Lighters.

150 Constables.

The following clerks and officers are elected by concurrent vote of the city council: A city clerk, who acts as clerk to the board of aldermen, and has, in general, the powers of a town clerk; a city messenger, and a clerk of committees. The common council elects its own clerk. In addition to all these, there are many county officers elected by the qualified voters of the County of Suffolk¹ (which includes, in addition to Boston, the city of Chelsea and the towns of Revere and Winthrop) for three or five years—*e.g.* a sheriff, who is keeper of the county jail, for three years; a register of deeds for three years; a register of probate and insolvency for five years; a district attorney for three years, and clerks of the supreme, superior civil, and superior criminal courts for five years.

Ever since the province charter was adopted in 1691, all judicial officers, from the highest to the lowest, had been appointed by the Governor and council to hold office during good behavior.

It appears that, exclusive of the election officers and the officers paid by fees, the mayor and aldermen appoint as members of permanent boards, or as single heads of departments, one hundred and seven persons, of whom sixty-five are appointed annually, sixty-one receive salaries established

¹ The whole territory of the Massachusetts Colony was divided in 1643 into four counties, showing roughly their relative territorial positions, namely: Essex (East Saxons), Middlesex (Middle Saxons), Norfolk (North Folk), Suffolk (South Folk). Norfolk, as at present constituted, lies mainly to the south of Suffolk. By an agreement, made some fifty years ago, between Boston and the other municipalities included in Suffolk County, Boston provides all the county buildings and pays all the county charges, except for laying out highways beyond its own limits; and it holds the title to all the property so provided.

by the city council (generally very liberal ones, considering the character of the service performed), and forty-six perform gratuitous service. There are no less than forty separate departments and offices in the city government as at present organized, to most of which a large number of assistants, clerks, or laborers are attached. All of these departments and offices, except the school committee, the street commissioners and the police, are now under "the general supervision and control" of the mayor, and thus a responsible system of administration has been secured; but, as stated in the report of the commission on the charter, in 1884, this multiplicity of departments and executive officers involves the city in expenses not to be measured by the salaries paid to the superfluous officials. The various officers and clerks appointed by the mayor and aldermen, or elected by the city council, have power to appoint their subordinates for such terms of service as may be fixed by law or ordinance. This is subject to the Civil-Service Law passed in 1884, which applies to the clerical, police, prison, fire, and common-labor service, and which is administered directly by a State commission.¹

VIII.

CONCLUSION.

The development from a purely democratic government to the concentration of executive power in a single head is readily traced. First, all town or communal affairs are determined at meetings of all the freemen living within the township or plantation, the opinion of the major part of those attending the meeting being ascertained by a show of hands, or by *viva-voce* vote. The first departure from that is a hesitating bestowal of temporary executive authority upon the

¹ For a statement as to the operation of the law in the city of Boston, especially in regard to the labor service, see Second Annual Rep. of Mass. Commissioners, January, 1886.

pastors and elders. Then certain men, generally seven, ten or twelve, are selected to have charge, for a limited time, of the details of administration—the prudential affairs, so called.¹ A little later this delegation of local authority is recognized by the central authority, and placed upon an enduring basis, and the right of the several communities to continue to manage their local affairs is established. The next step, after a long interval, is the annual election by the qualified voters of representatives to manage all the corporate interests. Then comes the interposition of the State for the protection of property and the better enforcement of the criminal laws. And, lastly, there is a separation of the executive from the legislative power, and a concentration of the local executive power in a single head.

It will be observed that in Massachusetts, as in other populous States of the Union, the present tendency of legislation relating to municipal government is in the direction of concentrating the executive power, and of restricting and defining the legislative power, especially in the matter of raising and appropriating the public money. It is not alone in legislation concerning the city of Boston that the tendency is marked. In some of the charters recently granted to small cities, and in the amendment of charters granted thirty or forty years ago, the power of the mayor is increased, and the power of the city council, especially in the election and control of the executive heads of departments, is diminished.² This is not

¹The earliest entry preserved in the town records of Boston is dated September 1, 1634. At that date the local executive was exercised by a board of ten different townsmen. In 1647 the custom began of electing in March seven men to serve during the ensuing year.

²In the last city charter granted by the State Legislature (Waltham, 1884), "the administration of all the fiscal, prudential and municipal affairs of the city, with the government thereof," is vested in the mayor and a board of 21 aldermen. There is no common council. In many of the other cities the power of the mayor in appointing and removing police and other officers has been increased, and appointments are made during good behavior instead of annually.

the result of any settled policy on the part of the State Legislature; it is in response to the demands of the citizens, who seek a stronger and more responsible government than the old system provided.

It is undoubtedly the duty of the State to establish the form of local-government organizations, and to define their powers and duties. And it would seem to be a legitimate exercise of its authority to limit, in general terms, the rate of taxation and the amount of municipal indebtedness; to prescribe the general purposes for which the public money shall be applied, and to ascertain by a central audit,¹ or otherwise, whether the public funds have been legally and honestly applied. This is a very different thing from putting the entire administration of local departments into the hands of State officials. The circumstances may be such as to justify a temporary exercise of such power, but it is difficult to conceive a condition of things in which the permanent interference in local government by the central authority will not, in the end, produce greater evils than those it seeks to cure.

The experience of New York on this point may be studied with profit. Nearly thirty years ago the misgovernment of that city reached a point where it seemed necessary, for the protection of life and property, that the administration of the local police should be placed under the control of the State executive. The centralizing tendency of the measure was admitted, and formed one of the principal points in the argument against its constitutionality. But the highest court of the State, while assenting to the proposition that a tendency might be discovered in the constitution toward local administration, and in favor of decentralizing the powers of government, held that there was nothing in the text of the fundamental law which prevented the Legislature from adopting such a measure as the establishment of a State police for

¹ For an account of the central audit of local-government accounts in England, see "Local Government" (English Citizen Series), by M. D. Chalmers; and Dist. Auditor's Act, 42 Vict., Ch. 6 (1879).

local service. "The business of the courts," said Mr. Chief Justice Denio, "is with the text of the fundamental law as they find it. They have no political maxims, and no line of policy to further or advance."

This scheme for strengthening and purifying the government of a great city by giving to the State executive, and the country delegates in the Legislature, a controlling influence in the management of local municipal affairs, was regarded by many citizens interested in the reform of municipal government as a happy solution of a most difficult problem. The scheme produced good results in the beginning, and other departments of the local government were brought under State control. But, as stated by the distinguished commission which was appointed by Governor Tilden to devise a plan for the government of cities in the State of New York, "the notion that legislative control was a proper remedy was a serious mistake." "One of the principal causes of existing evils," they said, "is the assumption by the Legislature of the direct control of local affairs. This legislative intervention has necessarily involved a disregard of one of the most fundamental principles of republican government. We entertain no doubt that this intervention has greatly aggravated the evils which it was, in many instances, designed to remove. . . . The system of government by municipalities is inherent in our free institutions. The separate communities existing as integral parts of the commonwealth, but having local interests which immediately concern themselves rather than the State at large, the instinct of self-government has always asserted itself in some way as the basis of their organic life. From this vital germ have sprung the municipalities which, in every civilized state, have claimed and exercised the right, sometimes granted as a concession of sovereign power, and sometimes extorted by superior force, of administering law and government in respect to their local affairs, while retaining their allegiance as members of the whole nation. This element of local

administration in local affairs entered into the framework of our constitutional government at the outset, and was the most marked characteristic of the national life, reproduced and existing in this State, and in most of the States of the Union, at the time of the establishment of their independence. . . . Whatever concerns the rights of all the citizens of the State, in respect either of person or property, belongs to the central authority, which is also charged with the duty of devising uniform plans by which the affairs of the various local divisions of the State may be administered by the people of those divisions.

“There are obvious reasons why the representatives elected to the central Legislature ought not to be charged with the direction of the local affairs of the municipalities: 1st. They have not the requisite time; 2d. They have not the requisite knowledge of details; 3d. They have not that sense of personal interest or personal responsibility to their constituents which is indispensable to the intelligent administration of local affairs.”

And the commission placed first among the amendments which they recommended to be incorporated in the constitution of the State, a provision that the entire business of local administration should be delegated to the people of the cities, free from legislative interference therewith; reserving to the State its functions of making the general laws under which the local affairs are to be administered, and also a supervision of the manner of administration.

In the concluding chapter of the admirable little work on “Local Government,” for the English Citizen Series, Mr. M. D. Chalmers says: “The extent of the administrative control that the central government should exercise is a most difficult problem. Obedience to the general laws which the Legislature has laid down for the preservation of private and individual rights and the limitation of the power of local authorities can be enforced by the courts of law; but how

far ought local bodies to be allowed to mismanage their own affairs? If they are superintended by an intelligent and conscientious central department, armed with large executive power, it is apt to err on the side of undue interference. When it sees things going wrong, it steps in with a high hand to set them right. Yet it is only by a succession of tumbles that a child can learn to walk. A local authority in leading-strings is not likely to learn aright the lesson of self-government. If local autonomy possesses the political value its admirers assert for it, it may be well worth while to make some temporary sacrifices to develop and strengthen it. In local matters 'that which is best administered' may not be 'best' in the long run. The tendency to regard all England as a suburb of London is certainly not a healthy one. Anything that can give vigor and color to local life should be encouraged. In the case of local bodies, as in the case of individuals, it may be better and healthier to be too little governed than to be too much governed, even though the government be good."

There is abundant evidence in the experience of France and Germany to show the evil effects of depriving the people of the local franchise and local self-government¹—the political primary schools in which they get a practical knowledge of government, and of their political relations and responsibilities. But it is not within the scope of this paper to carry the discussion so far afield.

Having described the present system of local government in Boston, and its historical development, it may be said, in conclusion, that while it is crude in form and appears to contain much unnecessary and expensive machinery, it possesses (with the exception, perhaps, of the department under the control of the State) a certain adaptability to the wants

¹ See, in addition to standard historical works, Tocqueville's *Democracy in America*, 1st Am. ed., pp. 72-73; *Conversations of Tocqueville with N. W. Senior*, Vol. II. 78, *et seq.* Seeley's *Life and Times of Stein*, Pt. V., Ch. 3.

of the community which yields, on the whole, fairly good results. The responsibility for the system rests upon the State; the responsibility for the application rests upon the city. No system can be devised which will give good government if the people elect bad men to administer it. Much depends, however, upon the system—whether it contains correct general principles of government, and at the same time recognizes the interests and traditions of the locality to which it is to be applied, or whether it is a mere form for putting certain theories into operation. The present tendency—more strongly marked in other parts of the country than in New England—to disregard localities, and organize municipal governments on a general and uniform plan, has been encouraged without much consideration as to where it will lead. Certainly no better preparation for centralization could be devised.

CORRECTIONS.

Page 15—Fourth line from the bottom, for “votes” substitute *voters*.

“ 24—Eighth line from bottom, for “six” substitute *eight*.

“ 28—Fourth line from bottom of *note*, for “corporal” substitute *corporate*.

“ 44—Second paragraph: Since this paper was written, the act under which a new division of the city was made in 1885 has been declared unconstitutional by the Supreme Court, and the old division of wards, voting precincts, and assessment districts has been restored. There are, therefore, at the present time, 25 wards, 107 voting precincts, and 33 assessment districts. Two of the wards are smaller than the others, and are together entitled to only three representatives in the common council. The whole number of the present members of the council is, therefore, correctly stated as 72.

“ 45—Add to note concerning qualifications of voters: “Women possessing the qualifications above named have a right to vote for members of local school committees.”

“ 47—First line of second paragraph, for “thirty-four” substitute *twenty-four*.

“ 53—Twentieth line from the top, for “had” substitute *have*.

“ 53—In the note it should perhaps have been stated that Norfolk County, as originally constituted, included a part of what is now New Hampshire, and a part of the present county of Essex. The original organization ceased to exist in 1680. The present county was incorporated in 1793, and included, as stated, towns to the *south* of Suffolk.

IV

THE CITY GOVERNMENT

OF

SAINT LOUIS

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History — *Freeman*

FIFTH SERIES

IV

THE CITY GOVERNMENT
OF
SAINT LOUIS

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BALTIMORE

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THE CITY GOVERNMENT OF SAINT LOUIS.

I.

On the fifteenth of February, 1764, a small party of Frenchmen acting under the orders of Pierre Laclede Ligest, who had previously fixed upon this spot for a settlement, cleared a bit of ground on the right bank of the Mississippi and erected temporary dwellings. Auguste Chouteau was the leader of this company of about thirty men, and his name with that of Laclede is inseparably connected with the founding of the great city of Saint Louis, the name of which comes from the patron saint of the then reigning king of France, Louis XV.

To the hunters and mechanics who made up this colony, Laclede, acting under the authority of the charter granted him by the French king, allotted holdings of land, but for some months no organized plan of civil government was needed. In October, 1765, St. Ange de Bellerive, who had just surrendered the country east of the Mississippi to the English, according to the terms of the Treaty of Paris, and had withdrawn his command to St. Louis, was given by the unanimous voice of the people full powers for the government of the settlement until a legally appointed successor should arrive. No man among them was better fitted for such a high and responsible position. Thus the first government of St. Louis was strictly

democratic in form. The organization of this first civil government was then completed by the act of the Governor-General of Louisiana who appointed two judges, an attorney-general and a notary. Spain was the legal owner after the Peace of Paris of this part of Louisiana, but as yet no action had been taken by that country to claim her own, and for some years St. Louis was ruled by its inhabitants under French authority. When Don Pedro Piernas, the Spanish Lieutenant Governor, arrived in Upper Louisiana in the spring of 1770, but little change was made in the administration of the affairs of St. Louis, which were, in the main, conducted wisely during all the period of Spanish rule in Louisiana. The retrocession of the territory to France in the early part of the century and the sale to the United States by Napoleon in 1803 were the final steps in a series of changes which were of much importance to the general interests of the nations concerned, but which made little difference to the growing town of St. Louis. The population grew, business increased, and peace reigned.

It was not until the year 1808 that St. Louis was legally incorporated as a town. On the eighteenth of July of that year an act was passed by the Legislature of the Territory of Louisiana, entitled "An act concerning towns in this Territory." November ninth, on petition of two-thirds of the taxable inhabitants, the Court of Common Pleas for the district of St. Louis incorporated the town. This first charter of St. Louis fixed the limits of the town as follows, in terms hardly intelligible to the present resident of the then French village ; . . . "Beginning at Antoine Roy's mill on the bank of the Mississippi ; thence running sixty arpens west ; thence south on said line of sixty arpens in the rear until the same comes to the barrier Denoyer ; thence due south until it comes to the Sugar-loaf ; thence due east to the Mississippi ; from thence by the Mississippi along low-water mark to the place first mentioned." Its taxable boundaries were also fixed ; and provision was made for a board of five trustees to whom was to be confided the administration of town affairs. Decem-

ber sixth was fixed as the day when the first body of trustees should be elected by popular vote, but the people, even before the town was incorporated, met at the court-house and elected trustees for one year. January 23, 1808, is, therefore, the proper date of the beginning of the history of St. Louis as a corporation.

The charter gave to these trustees not only executive, but legislative, functions and they enacted ordinances for the government of the town which were afterward, when the town had become a city, placed upon the statute-books. A perusal of these ordinances reminds us of times and conditions of society which seem more than eighty years back. We find it ordained, for example, among other clauses intended to preserve the proper relations between masters and slaves, that "every white person who shall associate with slaves at their balls, or other amusements, shall for every such offence forfeit and pay the sum of ten dollars;" and upon conviction of any person for violation of this or any other ordinance of like nature "all fines and penalties accruing therefrom shall be appropriated, one-half to the informer, and the other half to the chairman for the use of the town." Loud complaints were uttered in those days about "the putrid carcasses of cows, hogs, dogs, etc. which obstructed the streets of St. Louis;" and about the wretched, unpaved streets and foot-paths, the stagnant ponds, and the high taxes. At the election of Madison in 1809 St. Louis gave her first vote for presidential electors. Missouri was not in the Union as a State, but a record of the vote of St. Louis is worth noting as an indication of her voting population and political preferences. The vote stood 122 for James Madison, 48 for Charles Pinckney, and 6 for George Clinton; 176 in all. The principal currency of the town was peltries, lead, and whiskey. Taxes were paid without the services of a regular collector until 1810, when an ordinance was passed providing for a collector to be appointed by the Chairman of the Board. In the same year provision was made for the organization of fire-companies and for much needed improve-

ment of streets and bridges. That this was the day of small things may be readily seen from a statement of receipts and expenditures for the year 1811, in which we find the total expenditure of the town government for the year to be \$632.87½, exceeding the receipts by \$84.57½. The population at this time was not far from 2,000. Various town ordinances were passed in 1811; one, for example, fixing a penalty of a ten-dollar fine for the offence of keeping any store on Sunday "for the purpose of vending goods or merchandise on the Sabbath-day, or Sunday, between the hours of eight o'clock in the morning and sundown." One also obliges every boat of five tons burthen within the Territory of Louisiana to pay a duty of two dollars; and another provides "for levying and collecting a tax within the limits of the town of St. Louis." In 1813, 217 votes were cast at the time of the second election of James Madison, and the population in 1815 was returned by the sheriff as 2,600.

Such, stated very briefly, are the various steps in the progress of civil government in St. Louis from its settlement to the admission of Missouri into the Union as a State in August, 1821.

II.

For two or three years before the admission of Missouri as a State the question of a city charter was agitated in St. Louis, but it was not until December 9, 1822, that the act of incorporation passed the State legislature, constituting a body politic and corporate by the name and style of *The Mayor, Aldermen and Citizens of the City of St. Louis*. The western boundary of this city of sixty-five years ago was Seventh Street, which was a long way from the settled portions of the town. All west of Seventh Street was rolling, wooded prairie, a favorite hunting and shooting ground, now for miles covered with substantial business houses and fine residences, and threaded with well-paved streets. The administration of the affairs of the corporation was vested in a Mayor and Board of Aldermen.

The mayor was to be elected yearly, as also were the nine aldermen. Both Mayor and Aldermen were to possess a freehold estate within the city limits. They were vested with powers differing little from those conferred upon like officers in more modern city charters. The right to vote for these officers on the first day of April in each year was given to "all free white male persons of the age of twenty-one years who have paid a city tax." The question of accepting or rejecting this charter was laid before the qualified voters of the town on the first Monday in March, 1823. 107 voted for and 90 against the charter. The small vote is partly accounted for by the fact that many otherwise qualified voters had not yet paid the tax to the town corporation, and hence could not vote upon this matter. After the adoption of the charter the new city was divided into three wards, and on the 7th of April, 1823, William Carr Lane was elected the first Mayor of St. Louis. It may be said here, in passing, that his administration of city affairs was so satisfactory that he was re-elected in 1824, '25, '26, '27, and '28, and after an interval of ten years, in 1838, '39 and '40. The first Mayor's message delivered west of the Mississippi was read to the board of aldermen on the 14th of April, 1823. The Mayor touched upon the prospects of future greatness, the perplexing and ever-to-be-recurring question of street reconstruction and improvement, the importance of harbor and river improvements, and of the Mississippi as the highway of the city to prosperity, the public health, the need of a better water-supply, and of a city hospital. A City Register, City Auditor, Street Commissioner, Assessors and other minor officers were then appointed and the new government was now fairly in operation. The salary of the Mayor was put at \$300. The Aldermen received no emolument. The next year after the re-election of William Carr Lane his salary was made \$600, and one per cent. upon all moneys paid into the treasury was made the compensation of the Treasurer.

Up to the year 1809 the old French names of streets had been retained. From 1809 to 1826 the east and west streets

were lettered north and south of Market Street, North A, South A, &c. In 1826, by a city ordinance, the streets within the then north and south limits of the town were given the names which they have since kept. Second and Fourth Streets were paved in 1827, and by the end of the year 1829 streets were laid out and partly paved as far as Seventh Street, the western boundary of St. Louis City. Third Street was not widened and paved until 1831. The offices of city surveyor and street commissioner were united by ordinance in 1829.

The charter of 1822, with some trifling amendments, continued in force until February 26th, 1835, when the legislature passed an act by which the city was constituted a body politic under the style of the *Mayor, Aldermen and Citizens of St. Louis*. By this new charter the powers of the corporation were much enlarged. Its powers were vested in a Mayor and twelve Aldermen, three from each of the four wards. The Mayor was to be at least thirty years of age, a citizen of the United States, a resident of the city for two years, at least, before his election, to possess a freehold estate within the city, and not to hold any office of honor, trust or profit under the United States at the time of his election. The revised ordinances were adopted which prescribed "the duties of the register, the mode and manner of holding city elections, and for registering free negroes and mulattoes; for guaging and inspecting domestic liquors; for the inspection of flour, beef, pork, &c.; for weighing hay and stove-coal; for the suppression of riots, routs, &c.; concerning the police; registering and restraining dogs; providing fire-buckets; restraining hogs; concerning breaches of ordinances; establishing a treasury department; regulating wagons, drays, and carriages; establishing the health department; appointing a city attorney and a night-watch; suppression of gambling; restraining the assembling of negroes and mulattoes; regulating the revenue and taxes; regulating the water-works; regulating the harbor of St. Louis; establishing quarantine and vaccination; lighting the city with gas; regulating the care and improvement of streets

and highways, city market, &c." The variety of matters belonging to these ordinances shows how the little city of only about 5,000 inhabitants was struggling fifty years ago with all the serious problems which beset those who administer municipal affairs now-a-days.

Municipal officers at this time received but slight compensation for the amount of time and labor devoted to city affairs. The Mayor's salary was now \$800 a year. For attendance at each meeting Aldermen received two, and the President three dollars. When members were absent fines were levied and when paid placed in a fund used for a banquet at the end of the year. The City Register received \$800; the Treasurer, \$400, and the other officers a similarly low rate of compensation. The policeman were few in number and all persons on the streets after ten o'clock were very likely to be stopped by the night-watch, who asked the reason for such late hours, and perhaps escorted them to their homes or to the watch-house. It was also the duty of the night-watch "to apprehend all slaves that may be found in the streets, lanes, or alleys, or on the private property of persons other than their owners, or the persons under whose control they are at the time, after the hour of nine o'clock at night from October 1st to April 1st, and after ten p. m. from April 1st to October 1st." For violation of this ordinance a fine of three dollars was imposed upon the owner, or the slave received a number of lashes, not exceeding twenty-five, "well laid on." A proclamation of the Mayor in 1832 notifies masters of slaves that "the recent extensive distribution in this city of incendiary, abolition newspapers, tracts and pictures, effected secretly in the night-time by casting packages into yards and other places where they would be found by servants, compels all officers who are concerned in maintaining the public peace to deny the colored people some of their usual privileges until those enemies of the human race, the abolitionists, who have evidently done this deed, are discovered and dealt with according to law. . . . The usual permits from this office to colored people for social

parties and religious meetings after night will be withheld until information is given of the hiding-place of the incendiaries, which must be known to some of our colored people."

February 11, 1839, by an Act of the General Assembly of the State, a new charter was given to the city. The City Council was to consist of two chambers, a Board of Aldermen and a Board of Delegates; the former to be composed of two members from each ward chosen every second year; the latter of three from each ward chosen for three years. The executive officers were a Mayor, a Register, an Auditor, a Treasurer, a Marshal, and an Engineer. No charter before this of 1839 had stated with sufficient explicitness the necessary qualifications of a voter. These qualifications were now given in the plainest terms. He must be a citizen of the United States, must be twenty-one years old, must have resided in the city twelve months next preceding the election, and must have paid a city tax within a year next preceding such election. The name of the voter must be indorsed upon his ballot. It is to be noticed, also, that any inhabitant of the State not a resident of the city, who owned a freehold estate within it and who had paid the tax required by law, was allowed to vote at any election in the ward where his property was situated.

In 1840 the City Guard "appointed to keep watch and guard every night throughout the year," consisted of a captain, three lieutenants, and twenty-eight privates. In this year the Council created the "fire-wardens and property guards of the city of St. Louis," from which legislation sprang afterward the excellent "salvage corps," which now does good service at fires in removing or covering goods and merchandise. The erection and regulation of a work-house was also an Act of the year 1840, for the punishment of "all persons legally committed by due course of law for any violation of ordinances for which a fine shall be imposed and the convict shall refuse or be unable to pay such fine and costs."

By an Act of February 15, 1841, the boundaries of the city were enlarged and the following year an "engineering de-

partment" was established, composed of the City Engineer, a Street Commissioner, and Superintendent of the water-works. By another Act of the Legislature in February, 1843, the various Acts before passed incorporating the city of St. Louis and amending the articles of incorporation were reduced to one Act. The corporate style was changed to that of *The City of St. Louis*, and the charter was in many respects made more clear and simple.

It was in this year that agitation began upon the subject of separating St. Louis county from the city. The question was decided against separation in August, 1844, but was continually arising for thirty years. In another part of this paper will be given the details of the final success of the party advocating division.

Several important offices were created in 1843, among others those of Harbor Master and of Street Commissioner, and of Inspectors, whose duty it was to superintend the cleaning of streets, alleys, avenues, market-places and public squares. By an ordinance of September 2, a Health Department was established, to consist of the Health Officer and one member of the Board of Aldermen from each ward. Street Inspectors were placed under the control of the Board of Health. The Health Officer was to be appointed by the Mayor for six months, and chosen alternately from the Professors of the Medical Department of Kemper College and that of the St. Louis University.

By the Act of Incorporation in 1822 no person could vote at a city election who had not paid a city tax. Various attempts were made to repeal this provision of the charter, and this was the issue in the municipal election of 1844. The enemies of this provision declared that the election of 1843 had been carried by the dog-tax; that men who had never owned a dog, went on election day and paid a dog-tax and thus qualified as voters; that clubs were formed to issue these dog-tax certificates. Others said that paying a water-license was paying a tax, and claimed the right to vote. After an

animated and exciting election, the Whig candidate for Mayor was elected and the unpopular tax-paying qualification defeated.

In 1852 a number of citizens petitioned the County Court to incorporate as a town a district lying about one mile west of "St. Louis Common Fields." The petition was granted and the name *Second Municipality of the City of St. Louis* was taken as its corporate title. This Second Municipality had its own Police, its Recorder's Court, the right to levy and collect taxes, and, in short, all rights that are usually granted to incorporated towns.

Sixteen years had elapsed since any material change in the charter of St. Louis had been made by the Legislature of the State, when in March, 1859, an Act was passed "amendatory of and supplemental to the several Acts incorporating the city of St. Louis." Among other things it was provided that the "City Council should consist of one Board called the Common Council, who should possess all the powers and exercise all the functions of the Board of Aldermen and City Council as heretofore constituted." This Board was to consist of twenty members, two for each ward, one-half of the members to be elected in each year to serve two years. It was under this amended charter that St. Louis passed through the trying period of the civil war. No city in the Union was placed in a more embarrassing and perplexing situation. Business was well-nigh suspended; commercial and manufacturing interests were prostrated; unity and harmony among citizens were destroyed; and the administration of city affairs in any satisfactory manner became almost impossible. A majority of the citizens were, however, loyal to the United States Government and to the municipal laws and regulations, and the city survived this most trying ordeal without loss of reputation as a law-abiding community, although greatly crippled in every business and social interest. Shortly after the war, in 1866, by a legislative act, the Council was divided into two branches, and by another revision in 1871 it was provided that all elective and appointive officers should hold their offices for the term of two years.

The city of Carondelet was incorporated with the city of St. Louis in 1870. The revised charter requiring the city to be divided into not less than twelve wards, and the population seeming to justify even more than twelve, a thirteenth ward was created which had its first representation in the Council in 1873, but on the reorganization of the wards in 1874 this thirteenth ward disappeared.

III.

We now come to an important and radical change in the government of the city and in its relation to the county of St. Louis, of which it had up to this time been a part.

The State of Missouri adopted a new Constitution in 1875. In Article IX, section 20, the following provision was made for a change in the charter of the city of St. Louis: "The city of St. Louis may extend its limits so as to embrace the parks now within its boundaries, and other convenient and contiguous territory, and frame a charter for the government of the city thus enlarged, upon the following conditions, that is to say:

"The Council of the City and the County Court of Saint Louis shall, at the request of the Mayor of Saint Louis, meet in joint session and order an election, to be held as provided for general elections, by the qualified voters of the city and county, of a Board of Thirteen Freeholders of such city or county, whose duty shall be to propose a scheme for the enlargement and definition of the boundaries of the city, the reorganization of the county, the adjustment between the relations between the city thus enlarged and the residue of St. Louis county, and the government of the city thus enlarged by a charter in harmony with and subject to the Constitution and laws of Missouri, which shall, among other things, provide for a Chief Executive and two Houses of Legislation, one of which shall be elected by general ticket, which scheme and charter shall be signed in duplicate by said Board, or a major-

ity of them, and one of them returned to the Mayor of the city and the other to the Presiding Justice of the County Court within ninety days after the election of such Board. Within thirty days thereafter the City Council and County Court shall submit such scheme to the qualified voters of the whole county, and such charter to the qualified voters of the city so enlarged, at an election to be held not less than twenty nor more than thirty days after the order thereof; and if a majority of such qualified voters voting at such election shall ratify such scheme and charter, then such scheme shall become the organic law of the county and city, and such charter the organic law of the city, and at the end of sixty days thereafter shall take the place of and supersede the charter of St. Louis and all amendments thereof and all special laws relating to St. Louis county inconsistent with such scheme."

In accordance with this section of the new constitution a Board of thirteen freeholders was duly appointed. On the 3d of July, 1876, they reported the *Scheme for the Government of the County and City of St. Louis*. The constitution had provided that copies of the scheme and charter should be delivered to the Mayor of the city and to the presiding Justice of the County Court "within ninety days after the election of said Board." The delivery of the latter was not made until twenty minutes after twelve o'clock on the morning of the 4th of July. The ninety days expired at midnight. It was, therefore, held by some that the law had not been complied with, and that the whole scheme fell to the ground. The matter was, upon this quibble, referred to the County Counsellor for an opinion. In the meantime Mayor Overstolz raised no question on this point, called the City Council in special session on the 12th, and invited the County Court to be present and take such joint action with the Council as the case should call for. On Tuesday the County Counsellor gave it as his opinion that the point of the County Court was not well taken; that such a trivial irregularity could not defeat the purpose of the constitutional convention and the will of the

people ; and so on Wednesday the two bodies met, as had been arranged, and made preparations for the special election for presenting the new plan to the suffrages of the county and city. This election was one of great interest. For days before that set for the settlement of the matter the daily newspapers were full of articles, editorial and contributed, in which the merits and defects of the scheme and charter were set forth in detail. By their friends it was contended that the double-headed system then in force was anomalous and absurd, not to dwell upon the acknowledged fact that it was badly administered. Two bodies levied taxes within the same territory, neither of which fairly represented the people because neither was voted for at large. By the scheme and charter, they said, all this would be remedied. Each government would be remanded to its proper sphere and their relations would be properly adjusted. The County Court would exercise authority only within the County of St. Louis, and the City Council would be made, in truth, as well as in name, the legislative body of the city. This Council, with its upper and lower houses, would be truly representative in character. The city government would possess a character and dignity before unknown to it, and its operation in all directions would be thorough and systematic. These advantages were summed up as follows by a writer in the *St. Louis Republican* of August 19, 1876, three days before the election :

“*First.*—It secures one government for the city of St. Louis.

“*Second.*—It secures a good charter.

“*Third.*—It secures a charter which can be amended in three ways :—

“*(a).*—By virtue of its own powers ;

“*(b).*—By virtue of an Act of the Legislature passed as a general law and accepted by the Mayor and assembly in lieu of a charter ;

“*(c).*—By virtue of a new election of thirteen freeholders to form a new charter.

“*Fourth.*—It secures a reduction of taxes in three localities :—

“(a).—By a reduction in the old city limits of $35\frac{1}{2}$ cents on the \$100 value.

“(b).—By a reduction in the new limits of assessments on farming lands, and by $20\frac{1}{2}$ cents on the \$100 of such value.

“(c).—By a reduction in the new county of $20\frac{1}{2}$ cents on the \$100 value, and by a release from the entire debt of city and county.

“*Fifth.*—It secures the city from further extension of its limits.

“*Sixth.*—It secures county lands used for farming purposes from actual confiscation if required to pay the city and county debt *pro rata* with the city property.

“*Seventh.*—It secures a uniform system of public schools in the city and in the new limits of the city, with a gradation of school taxes in the new limits for the actual expense only of maintaining the schools.

“*Eighth.*—It secures to the people a fixed policy of government which cannot be changed in principle and form, although subject to change in detail.

“*Ninth.*—It secures forever the abolition of the County Court and its double, expensive, irresponsible and vicious system.

“*Tenth.*—It secures to the people a rest from political rings to control the hard-earned money paid by oppressed and overburdened tax payers.

“*Eleventh.*—It secures one system of official power, one of paying taxes, one of assessment, and one of expenditure, and holds all persons responsible for the faithful discharge of duty.

“*Twelfth.*—It secures this separation by details in the charter which, if objectionable, can be amended at the next session of the Legislature.”

On the other hand, it was urged by the enemies of the scheme that it discriminated in favor of the rich man and against the poor man ; that certain parts of the charter would permit the existence of great frauds ;—that the Mayor would have too great power and could continue in office through the patronage at

his command ; that the Council, the Board of Health, and, in fact, all the departments of government were given dangerous and arbitrary powers. Many of those who lived outside the old city limits would, if the change were made, have to pay much larger taxes than under the county government. Some of these made bitter and strenuous opposition to the new plan.

For several years the city debt had been rapidly increasing. If the new charter were adopted, with it would come a prohibition against further increase beyond a given point. Some argued against this particular feature of the charter, saying that an increase of city indebtedness was no evil, if with debt came the worth of their money, so to speak ;—if water-works, sewers, parks and public improvements in general were amply provided.

On the whole, however, the contest may be regarded as one between friends and opponents of reform. When the election was held the city gave majorities for both the scheme and the charter. The vote of the county was for some time in doubt on account of the necessity of inquiry and decision concerning certain alleged fraudulent votes. It was not until the fifth of March, 1877, that the Court of Appeals decided the scheme and charter to be adopted, the former by a majority of 1,253 votes and the latter by a majority of 3,221 votes.

Thus the city of St. Louis became a separate municipality without any county connections whatever. The old County Court became a thing of the past. All the old county buildings, the courthouse, the jail, the insane asylum, the poor farm, became the property of the city, subject to its exclusive authority. The old county debt became a city obligation. All the county taxes of 1876 collected within the new city limits as defined by the scheme of separation became subject to the city's demand. All the county taxes of 1876 collected in the new county were subject to its order. All the county officers chosen the previous November under the supposition that the scheme and charter had been defeated were not *de jure* officers at all,

and had to give up their positions. After the fight was over, the general feeling was that both city and county would benefit by the severance. Since that time St. Louis has been a separate and independent city, with large powers of self-government, with a greatly enlarged area—not, however, by any means the most desirable feature of the new charter—fine public parks, a river front of fifteen miles, with a charter so vigorous in its provisions against extravagance and corruption and so careful in the protection of the rights of property that nothing would seem to be needed but reasonable performance of duty on the part of its tax-paying citizens to make the government of St. Louis what the government of a great city in modern days, in a great republic, should be.

IV.

Let us now examine with some care the salient points of the present charter of the city of St. Louis.

The city is divided into twenty-eight wards. Each ward is subdivided into voting precincts, the number of which is now 244. Ten days before every election held in the city the Mayor appoints four competent persons to act as judges of election, not more than two of whom can belong to the same political party, and also two of different parties to act as clerks at each election district of the city. If any of the persons appointed as judges of election fail or refuse to act, the legal voters of the district assembled at the polls on the morning of the day of election, to the number of not less than fifteen, have power at the hour when the polls are to open to elect some person possessing the proper qualifications to fill any existing vacancy. At the close of every hour during the day of election, the ballot-box containing the ballots cast during the previous hour is, in each voting precinct, opened in the presence of two receiving judges and receiving clerks, and the ballots counted, another box having been substituted for receiving ballots cast during the next hour; so that

the total number of votes polled at the close of each hour may be announced to such electors as are present. The judges and clerks are, however, prohibited from giving any information concerning the number of votes received by any candidate, or any other information which will show the state of the polls. Each political party has the right to name one representative to be present with the judges of election from the opening to the closing of the polls. At the closing of the polls, the ballots having been thus counted and the names on the list of registered voters which are marked "voted" having also been counted, are placed in sealed boxes and delivered to the register, who must keep them in his office for twelve months. They cannot be inspected while in the register's hands unless on the order of a proper court. Another excellent provision is that which prohibits anyone from soliciting votes or offering tickets within two hundred feet of the voting place. Tickets, however, can be placed near the voting-place, and are protected by the police from removal or destruction. No election district shall contain more than five hundred voters. These provisions have made election-days in St. Louis even more quiet than other days, for saloons are closed by the Mayor's proclamation until midnight and disorder of any kind is comparatively a rare thing nowadays at the polls. No ingenuity of man's device, it would seem, can secure with absolute certainty a perfectly honest election in every precinct. Charges of fraud, in many cases shown by testimony in court to be well-founded, are heard after every election; but such evasions of law are comparatively few and unimportant.

The municipal election is held on the first Tuesday in April once in every four years except in certain cases to be mentioned hereafter. The first election under this charter was held on the first Tuesday of April, 1877.

QUALIFICATIONS FOR VOTERS.

The qualifications for voters are the same in all elections, and are substantially as follows: Every voter must be a male

citizen of the United States, or a person of foreign birth who has declared his intention to become a citizen of the United States not less than one year nor more than five years before he offers to vote; he must be twenty-one years of age, must have resided in the State one year, and in the city of St. Louis sixty days before the election at which he offers to vote; he must vote in the district in which his name is registered.

THE MAYOR

Holds his office for four years, his term beginning immediately after the general election in April. The salary of the Mayor is, at present, five thousand dollars; fixed according to the charter provision by the Municipal Assembly. He is the chief executive officer of the city. He must be at least thirty years of age and a freeholder, and, as well as all other elected and appointed officers, must be a citizen of the United States and a resident of St. Louis for at least two years prior to his election.

At the beginning of the third year of his term it is the duty of the Mayor to fill by appointment, with the concurrence of the Council, a number of important offices:—those of City Counsellor, District Assessors, Superintendent of Work-house, Superintendent of the House of Refuge, Superintendent of the Fire and Police Telegraph, a Commissioner of Supplies, an Assessor of Water-rates, two Police Justices, an Attorney, a Jailor, five Commissioners on Charitable Institutions, and a Board of Public Improvements—all of whom hold office for four years. It is believed that appointments made in the middle of the Mayor's term will be much more independently made than if made immediately after the general election. The pressure upon the Mayor is certainly less severe at the beginning of the third than at the beginning of the first year of his term. The provision was a wise one, and has, on the whole, worked well. Any one of these officers appointed by the Mayor may be suspended by him and removed by the Council for cause, and all such officers are subject to removal by a majority of the Council.

It is the duty of the Mayor to inform the Assembly of the state of the city and recommend for their consideration such measures as he shall deem proper ; he may call special sessions of the Assembly ; he shall approve or reject all bills presented to his consideration by the Assembly, and no bill shall become an ordinance without his consent unless passed over his veto by a two-thirds vote of the Assembly ; he may object to one or more items of an appropriation bill, while approving other portions of the bill, and such objection is fatal to the portions of the bill to which objection is made unless passed over the Mayor's veto as in the case of ordinary bills. It is his duty to assist the Comptroller, the Auditor, and other financial officers of the city in guarding its fiscal interests ; to order suits to be commenced against any officer not accounting properly for money intrusted to him ; to decide questions of difference between officers of the city relative to their powers and duties ; to see that all contracts and agreements are faithfully kept and performed ; to submit to the Assembly annual reports, with his message, from the chiefs of the several departments ; and to perform many and various minor duties which need not be specified here.

THE MUNICIPAL ASSEMBLY

Is composed of two branches :—(1) *The Council* ; (2) *The House of Delegates*. The Council consists of thirteen members, one of whom is its President, chosen for four years, upon a general ticket. It was provided in the charter that of those chosen at the first general election in April, 1877, the President and the six receiving the highest number of votes should hold office for four years and the other six for two years. After the expiration of two years the vacancies then occurring should be filled by election for four years. Every member of the Council must be a qualified voter, must be at least thirty years of age, must have been a citizen of the State five years and an inhabitant of the city and a freeholder therein for one year before the day of his election.

The House of Delegates consists of one member from each ward chosen every two years by the qualified voters therein. Every delegate must have been a citizen of the United States and an inhabitant of the city for three years, a resident of his ward one year, and must have paid city and state taxes at least two years next before the day of his election. Vacancies in either house are filled by special elections ordered by the Mayor. Each member of the Assembly receives for his services the sum of three hundred dollars annually and reasonable expenses incurred in the public service and approved by the house to which he belongs.

The powers of the Assembly may be stated briefly to be: to assess, levy and collect all taxes, general and special; to borrow money on the credit of the city; to appropriate money for the legitimate expenses of the city and to provide for its debts and expenses; to erect or rent suitable buildings for all needful purposes; to control the harbor privileges of the city; to license and tax various occupations and professions; to establish and enforce quarantine laws, and to suppress nuisances; to regulate and fix the standard of weights and measures to be used in the city; to unite with the Mayor in appointing certain city officers; to care for streets and bridges; to protect the rights of the city in any corporation in which the city may have an interest; in short, to pass all laws for maintaining the peace, good government, health and welfare of the city, its trade, commerce, and manufactures.

The Assembly is limited in its power of taxing all property east of the former western boundary line to one per centum for municipal purposes and for paying the city debt, and on the portion called the "extended limits," lying west of the old boundary, to four-tenths of one per centum for paying interest on the existing indebtedness. The rate in the "extended limits" may, however, be increased upon all property which shall have been laid out in building lots and which shall have six or more buildings of an assessed value of not less than six thousand dollars in the aggregate. This difference in the rate

of taxation in the older and the newer portions of the city will to some extent account for the rapid growth of this western part of St. Louis, at the expense, in many cases, of that territory lying east of Grand avenue, the old western boundary line.

THE BOARD OF PUBLIC IMPROVEMENTS

Is composed of five commissioners: a street commissioner, a sewer commissioner, a water commissioner, a harbor and wharf commissioner, and a park commissioner, all appointed by the Mayor, together with a president chosen at the general election. This Board meets at least once a week. The commissioners are, respectively, the heads of their several departments, and are responsible for all the acts of their employés. Their names indicate with sufficient definiteness the general nature of their duties, but it may be well to mention the special interest which attaches to these offices in St. Louis.

THE STREET COMMISSIONER

Has under his special charge the construction and repairs and cleaning of public streets, alleys and squares. For many years, indeed, until within the last five years, the streets of St. Louis were a disgrace to the city. In 1849 a writer in a newspaper said: "There is not a city in the United States expending the same amount of money for this purpose that is half as filthy as St. Louis, and we may safely say that there is not one in the world which could be cleaned with so little expense if a proper system was introduced." Miles of streets were paved with broken limestone, which made the worst kind of mud in wet weather and fine, permeating dust in dry. A few streets in the business section of the city had wooden pavements, poorly laid and almost worse than the limestone. After the adoption of the scheme and charter the limit to the power of taxation seemed to make good streets a greater impossibility than before. Time and

again the matter was brought before the Municipal Assembly by the Mayors. In 1873 Mayor Brown said in his message, "the new kind of wood pavement and limestone blocks are the only pavements at all suitable to our streets and within our reach in price." And yet those pavements were so poor that no effort to get them could expect to meet with success. In 1874 the people of St. Louis were asked at the election to authorize the issue of \$2,500,000 of reconstruction bonds, but the measure was defeated. At length it became evident to all that unless some radical street improvements were made, St. Louis would fall rapidly behind other cities in many other respects her inferiors. At a meeting of the Commercial Club held in January, 1882,—an organization of wealthy and influential business men whose purpose is to discuss and further measures for the interests of the city—a paper was read by Col. George E. Leighton, one of the most active members of the club, setting forth in the most admirable manner the pressing need of better streets and urging special taxation upon the abutting property as the only possible way to meet the expense of improvement which had become absolutely necessary.

This paper was presented as the report of a committee appointed at a previous meeting to investigate this important subject. The propositions of Col. Leighton upon which the argument of his report and the action of the Commercial Club were based were as follows, and are given here to show the real basis upon which has rested all street improvements since 1882:—

"1. The absolute and unqualified abandonment of so-called MacAdam of *soft limestone* for a street surface.

"2. A policy of resistance to the increase of street area except at the exclusive expense of adjacent property, until the present streets are more generally occupied by improvements.

"3. The reconstruction of streets in the business portion of the city, say east of Twelfth, and between Franklin avenue and Walnut, with *granite blocks* only, laid in the most thorough and approved manner on concrete foundation.

"4. The reconstruction of all streets, *outside of this district*, of considerable light traffic, with wood or asphalt, and of all thoroughfares subject to a heavy traffic with granite.

"5. The reconstruction of the streets of minor traffic with some durable material which will not pulverize under ordinary use.

"6. The payment for street reconstruction should in all cases be by special assessments against abutting property."

After discussing the first five propositions, the paper emphasizes the fact that paying by special tax for such improvements is not only "the wisest and most economical, but is, on the whole, the *only just and proper method*." As a matter of fact in the present case it was also the only practicable method of paving the streets of St. Louis, for, as has been said, the limitations of the charter made any general fund which could be used for such purposes an impossibility. Col. Leighton urged upon the club, representing as it did so much of the wealth, enterprise, and public spirit of the city, and owning much real estate in all parts of St. Louis, that each member should give his influence to a favorable solution of this difficult problem. "If we are content with the streets as they are," said he, "let us cling to the old system. If we are not, let us support the more progressive sentiment of the day, giving it, as we may, a sound and wise direction, and pay our full share of the cost." Proper proceedings were soon after had to carry out these suggestions. The Street Commissioner and the Municipal Assembly took up the matter in good earnest. The legality of special assessments to pay for paving was tested in the Courts and a final decision rendered in favor of the city. Since that movement began nearly all the business portion of the city has been paved with granite blocks laid in the most thorough manner upon a concrete foundation, and several miles of asphalt and of wood have been laid after a new and approved style, throughout the residence territory. About ten miles are laid yearly, and now no opposition is made to the work. Many of those, even, who once bitterly opposed the special tax fea-

ture of the plan are now among the foremost in urging on the work. St. Louis has gained more than can possibly be told during these five years of improvement.

THE SEWER COMMISSIONER

Has special charge of the construction, repairs, and cleaning of all sewers and appurtenances belonging thereto. By the charter it is ordered that a sewer system shall be provided. This system consists of three classes: "public," "district," and "private" sewers. The first are constructed under regulations provided by the Board of Public Improvements and paid for by an appropriation from the public revenue. The second class are constructed with suitable connections with the public sewers when the majority of the property owners in the district shall petition therefor, and the expense is paid by a special tax levied on the abutting property. All repairs and cleaning of the district sewers are paid for from the public funds. The private sewers, which connect with the other parts of the system, are constructed under the direction of the Sewer Commissioner and all expense connected with their building, repairing, and cleaning are paid by private persons. When we note the fact that up to the present time upward of seven millions of dollars have been spent since the first sewers were begun many years ago, and that since the adoption of the new charter in 1877 this expenditure has been more than one million, it will be understood that the office of Sewer Commissioner is one of great importance, to be filled by a thoroughly competent engineer. St. Louis is fortunately situated as regards the ease of drainage, and has now a system which seems amply adequate for all purposes for many years.

THE WATER COMMISSIONER

Has under his special charge all the property connected with the water-works and general supervision over the entire water-

works department, excepting the assessment and collection of water-rates which are in the hands of an assessor and collector appointed by the Mayor.

The water of the Mississippi has always been used by the people of St. Louis from the earliest days of the history of the town. "A long period elapsed," writes Professor Waterhouse in the *History of St. Louis*, "before any wells were dug, and the original water-works of St. Louis consisted of a man with Chinese attachments, the water being carried in buckets fastened by strips of wood to a yoke which rested on the shoulders. Sometimes the water was brought up to the village from the river on a rude sledge drawn by ponies. This sledge was constructed of two long poles connected by cross-bows, the front ends being used as shafts and the rear ends resting on the ground. On this primitive 'drag' barrels of water were hauled up for the use of the inhabitants. In course of time a few wells were dug on Second and Third Streets, but the cost was so great that only a wealthy man could afford the luxury, the expense of sinking a well through the thick bed of limestone amounting in some instances to one thousand dollars,—in those days a modest fortune. Nor was the effort to obtain water always successful even when the well had been sunk. . . . The river water was healthful and pleasant to the taste, but in summer too warm to be palatable. As ice-houses were then unknown, wells were the only sources from which a supply of cool water could be obtained. . . . In cool weather the preference for river water was universal."

It was not until 1829 that any move was made to construct a system of water supply, and water was not distributed to the people until 1832. Until 1846 no water pipes were laid west of Fourth Street. The first Board of Water Commissioners was appointed by the Governor of the State in 1865, in accordance with a law passed by the Legislature in January of that year. They saw at once the need of new works, which their successors in office were able to begin in the fall of 1867, and which were completed and ready for public use in March, 1871.

The total value of the water-works, grounds, &c., is now estimated to be not far from eight million dollars, and the yearly revenue about eight hundred thousand dollars. The Water Commissioner, under the present charter, must be a duly qualified engineer. All contracts for work, supplies, &c., ordered by the Water Department, must be approved by the Board of Public Improvements. The water rates are fixed by the Assembly, but they must be at prices which will produce a revenue sufficient at least to pay the interest upon the city water-bonds, and the running expenses of the Water-works Department.

THE HARBOR AND WHARF COMMISSIONER

Is specially charged with the execution of all ordinances of the city relating to dykes, wharf and levee, steamboats and all other boats, vessels, and rafts. He must give personal attention and devote the whole of his time to the duties of his office. A separate account is kept on the city books of all moneys collected from harbor tax, wharfage dues, or other sources relating to harbor.

THE PARK COMMISSIONER

Has as his duty the care of all the public parks, places, and squares which are under the control of the city. St. Louis is well provided with breathing-places for its people. Besides many smaller openings in the older part of the city, there are *Lafayette Park*, containing thirty acres, one of the oldest parks in St. Louis; *Tower-Grove Park*, of two hundred and seventy-six acres, the gift of Henry Shaw; and the great *Forest Park*, of thirteen hundred and seventy-two acres, purchased by the city in 1872 and brought within the city limits by the adoption of the charter of 1877. At that time Forest Park had already cost the city more than a million and a quarter dollars, and annually about thirty thousand dollars are spent in its care and adornment.

THE PRESIDENT OF THE BOARD OF PUBLIC IMPROVEMENTS

Has charge of all public improvements not specially delegated to the other members of the board. He has also a general supervision over the departments of all the commissioners belonging to the board. It is his duty to authenticate all special tax-bills against property-owners, made out and certified to him by the head of the department by which the work has been done.

It is not necessary to emphasize the importance and value of such a board of public officers to a city like St. Louis. The highest professional talent is called for, and has uniformly been secured.

POLICE DEPARTMENT.

In early days watchmen or "patrolmen" guarded the citizens of St. Louis, taking the place of the village constable of a century ago. In the year 1808 a town ordinance for the first time defined the duties and privileges of the patrolmen. In 1839 the office of city constable was abolished, and provision was made for the appointment by the Mayor of a City Marshal. By an ordinance of the same year the "City Guards" were organized as a police force and the City Marshal made *ex-officio* Captain. In 1841, by a city ordinance, the guard was to consist of a captain, three lieutenants, and twenty-eight privates. One of the conditions of membership in the guard was that the candidate should be "in no way interested in any tavern, coffee-house, or tippling-shop in the city," and should be able to read and write the English language. In 1846 an "independent police" was established, which seems to have been a sort of a detective agency. Complaint was made by the Mayor in 1848 that thirty men were insufficient to guard the rapidly extending city, and between 1848 and 1850 the force was increased by ten new members, and was pronounced very efficient. The police was first put into uni-

form in May, 1854. An ordinance of 1856 reorganized the force, which was then but little changed for several years.

The present metropolitan police force of St. Louis was established by an Act of the Legislature in 1861. The police board consists of four commissioners appointed by the Governor of the State, and the Mayor, who is *ex officio* a member, and it has the entire control and management of the police force of the city. It is expressly provided in the act of establishment that the police organization shall be entirely independent of the city government, and only brief mention of this department need be made here. The officers of the police are: one chief of police, six captains, forty-five sergeants, and four hundred and forty patrolmen, besides turnkeys, janitors, hostlers, &c., making in all a total of five hundred and ninety-three men connected with the department, costing the city upward of half a million dollars yearly. Besides the regular police force about two hundred private watchmen are employed at the expense of their employers. They are, however, sworn in by the police board, wear a distinctive uniform, and may be called upon to assist the regular force, if desired.

FIRE DEPARTMENT.

The first ordinance for the formation of fire companies in St. Louis was passed by the Town Trustees in 1810. These companies were named "Leather-bucket Companies," and they served well enough until 1822, when the first fire-engine was purchased. In 1835 a municipal ordinance was passed requiring citizens to have fire-buckets ready for use. By 1841 St. Louis had regular fire companies. In 1850 an Inspector of the Fire Department was appointed by the Mayor, and from that time until the establishment of a paid fire department in 1857 volunteer companies increased in number and in influence. By the present charter the fire department is under the control and supervision of a "Chief of the Fire Department," appointed by the Mayor for four years. He has one first

assistant and four assistant engineers. It is also the duty of the chief of the fire department to inspect all buildings in process of construction, and to see that all ordinances relating to building are carried into effect.

HEALTH DEPARTMENT.

The charter of 1877 created this department to be managed as provided in the charter and by ordinances of the city. The Board of Health consists of the Mayor, who is also its president, the presiding officer of the Council, a Police Commissioner, designated by the Mayor, and two regular practising physicians who shall have the same qualifications as the Mayor. An officer called a Health Commissioner appointed by the Mayor is also a member of the Board of Health. The Health Commissioner has general supervision over the public health. It is his duty to see that all laws and ordinances concerning the health of the city are enforced. He has power to make such rules as will be for the sanitary welfare of the city, subject to the approval of the Board of Health; to cause the removal of nuisances, when so declared by the Board of Health; to take measures to suppress and mitigate contagious or epidemic diseases; to issue burial permits, and keep careful records of the same; and to appoint all employes of the Board of Health and all who may perform any duties under their direction, excepting the Superintendent of the City Hospital, Superintendent of the Female Hospital, Superintendent of the Insane Asylum, and a Superintendent of Quarantine, when necessary, who are appointed by the Mayor. The appointments of the Health Commissioner are to be approved by the Board of Health.

SCHOOL BOARD.

The first English school in St. Louis was established in 1804, and, like many others which were liberally patronized

in those early days, was a private school. The first board of trustees for public schools in St. Louis was established by the Legislature of the State in 1815. In 1833 another act constituted a body politic and corporate by the name and style of the "Board of President and Directors of the St. Louis Public Schools." The powers of this board were vested in a president and board of directors, consisting of two persons to be elected in each ward. The Mayor and Aldermen for the time being were not eligible to election. Members were to be elected for three years, one-third to go out of office at the end of every year. Success attended all these efforts to establish free schools in St. Louis, and this success did much for the interests of public schools throughout the State. In 1856 the Legislature passed a law appropriating twenty-five per centum of the State revenue for free schools. Of the sum thus appropriated St. Louis received a revenue of \$27,456. The total income of the St. Louis schools was then upward of \$87,000. In 1879 the Legislature passed an Act containing the following clause concerning the preservation of a permanent school fund in St. Louis and other parts of the State :

"All school lands heretofore granted by the General Assembly to any city or town, or the inhabitants thereof, for the purposes of public education, including all lands set apart or granted by the general government of the United States to this State, and lying within the limits of such city or town, for support of schools, and granted to, or placed in charge of such city, town, or incorporated board as aforesaid, shall constitute the permanent fund of such city or town, only the income of which shall be used for the support of the public schools in such city or town." The effect of this act was to remove doubts as to the status of the government land-grants, which constituted the greater part of this fund.

Under the present charter the School Board is composed of twenty-eight members, one from each ward, elected for three years. They are divided into three classes, one-third of the members, as nearly as is practicable, being elected each year.

They have the power, not only to govern the schools, choose their executive officers, and care for the large property belonging to the public schools, but to determine the rate of taxation each year for school purposes, which taxes are collected through the collectors of the city of St. Louis.

The officers elected by the Board are : a president and vice-president from their own number, elected annually ; a superintendent, two assistant-superintendents, a secretary, a treasurer, an attorney, a bailiff, an architect, and a supply agent, all for the term of three years. A committee of three is appointed every year by the president, one of whom must be a member of the board and the others good accountants and citizens of St. Louis, to examine all accounts, vouchers, &c., of the secretary and treasurer, and the books and accounts of the bailiff and supply agent and report concerning the same to the board. It is the duty of the bailiff, an officer not always found in Boards of Education, to take charge of the real estate held by the board, to exercise supervision over the tenants of the board, to act as clerk of the auditing committee, to act as sergeant-at-arms at the sessions of the board, and to attend to various other matters not specially intrusted to any other officer. All elections of teachers are in the hands of the board, the appointments being made for one year upon the recommendation of a standing committee of the board called the "teachers' committee." The board also appoint all janitors and other necessary employés.

ASSESSMENT OF PROPERTY.

The city of St. Louis is assessed by a Board of Assessors, consisting of a president, elected by the qualified voters of the city, and one assessor from each assessment district, appointed by the Mayor and confirmed by the Council. The Assembly determines the limits of assessment districts, and can change them at any time. Property is assessed by the district assessors within their districts between the first day of August of

each year and the first day of January following, and the assessment books are to contain as nearly as possible a full and complete statement of all taxable property in the city, to be completed by the third Monday in March of each year. Clerks and assistants in the assessor's office are appointed by the president of the board.

A BOARD OF EQUALIZATION

Consists of the President of the Board of Assessors and four real estate owners in the city of St. Louis, who are appointed annually on the second Monday in March, by the Judges of the Circuit Court of the Eighth Judicial Circuit. This Board meets on the third Monday of March annually and remains in session four weeks. Its duty is to hear and determine all appeals from the decisions of the Board of Assessors, to adjust and correct the assessment books, if necessary, and to keep accurate reports of its proceedings for record in the office of the President. A certified ordinance establishing the percentage of taxes for the current year is delivered to the President of the Board of Assessors by the Municipal Assembly by the fourth Monday in May of each year.

THE COLLECTOR

Collects all revenue derived from all sources except water-taxes. All collections are paid into the City Treasury daily and triplicate receipts taken for them, one of which is filed with the Auditor and one with the Comptroller. The Collector may appoint Deputies, may revoke his appointments at pleasure, may require bonds of his Deputies, but he is himself responsible for all moneys collected and for all acts of his Deputies.

A RECORDER OF VOTES

Is appointed by the Mayor to hold his office for four years. The *Register* furnishes him with registration books in which

names of qualified voters are entered upon their taking the required oath, which it is the duty of the Recorder to administer.

A BOARD OF REVISION

Is also appointed by the Mayor consisting of one reputable citizen from each ward whose duty it is to meet with the Recorder of Votes at his office thirty days before each general election to examine the registration and make such corrections as their own knowledge or competent testimony may show to be needed. Of this Board the Mayor is *ex officio* President. They sit from day to day, not exceeding ten days, until they have completed their revisory work.

OFFICERS OF THE CITY.

The following are the officers of the city of St. Louis under the present charter, both elective and appointive :—

Elective :—Mayor,

Comptroller,

Treasurer,

Auditor,

Register,

Collector of Revenue,

Marshal,

Inspector of Weights and Measures,

President of the Board of Assessors, who appoints
one Chief Deputy, nine District Assessors
being appointed by the Mayor,

Coroner, who names a Deputy,

Sheriff, who names thirty Deputies,

Recorder of Deeds,

Public Administrator,

President of Board of Public Improvements.

Appointive :—Board of Public Improvements, consisting of
Street Commissioner,
Water Commissioner,
Harbor and Wharf Commissioner,
Park Commissioner,
Sewer Commissioner,
Assessor and Collector of Water Rates,
Commissioner of Public Buildings,
Commissioner of Supplies,
Inspector of Boilers,
Health Commissioner,
City Counsellor and Assistant,
Jury Commissioner,
Recorder of Votes,
Jailer,
Superintendent of Work-house,
Two Judges of Police Courts and two Clerks
of the same,
City Attorney and Assistant,
Chief Engineer of Fire Department and five
Assistants,
Commissioners of Mullanphy Relief Fund,
Board of Police Commissioners,
Dead Animal Contractor,
Lamp Light Contractor,
City Gas Inspector,
City Slop Contractor.

PUBLIC INSTITUTIONS.

The following are the public Institutions of the city :

City Poor House,
Insane Asylum,
Work House,
House of Refuge,
Court House,

City Hall,
Four Courts,
City Dispensary,
City Morgue,
Fourteen Public Markets.

A careful study of the charter of the city of St. Louis will convince any impartial man of its great worth as a frame-work for a system of municipal government. The length of the term of its municipal officers; the carefully-framed provisions to secure honest registration of voters and an honest vote at the polls; the guards and checks upon all who administer the financial affairs of the city; the provisions against an undue increase of the public debt; the plan by which the important offices filled by the Mayor's appointment are not vacant until the beginning of the third year of his term of office, so that as rewards of political work done during a heated campaign they are too far in the dim distance to prejudice seriously the merits of an election;—these are a few of its important advantages as a plan of city government. Since its adoption it has worked well and but few amendments have been suggested. A bill now before the State Legislature provides for a change in the composition of and mode of election to the School Board which will undoubtedly, if passed, improve that most important branch of the city government. This provides for a Board of twenty-one members, of whom seven are to be elected on a general ticket and the remaining fourteen by districts made by consolidating the twenty-eight city wards; members to serve four years, divided into two classes. A more manageable number is thus provided and a method of election is secured which will insure comparative freedom from that bane of good administration of city affairs in any branch of its government—the ward politician. The “Machine” is bitterly opposing the bill, and at this writing, March 1, 1887, its passage seems doubtful. Many cases may be found where, since the adoption of the scheme and charter, its provisions have

been distorted, abused and violated. A good charter does not purify human nature. Eternal vigilance is the price of good government in any city, under any method of municipal administration.

It may not seem to be giving the highest praise to the framers of the charter of St. Louis to say that without their labors we should be much worse off than we are ; but it is not saying too much to claim for the result of their work greater ease of administration, better safe-guards against rascality, and broader opportunities for successful municipal management than was possible under any previous system by which St. Louis has been governed since the granting of her first charter, sixty-five years ago.

V-VI

LOCAL GOVERNMENT

IN

CANADA

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History — *Freeman*

FIFTH SERIES

V-VI

Local Government in Canada

AN HISTORICAL STUDY

BY JOHN GEORGE BOURINOT

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Author of "Parliamentary Practice and Procedure; with an Introductory Account of the
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LOCAL GOVERNMENT IN CANADA.¹

"Local assemblies of citizens constitute the strength of free nations. Municipal institutions are to liberty what primary schools are to science; they bring it within the people's reach; they teach men how to use and how to enjoy it. A nation may establish a system of free government, but without the spirit of municipal institutions, it cannot have the spirit of liberty."—DE TOCQUEVILLE, *Democracy in America*, Vol. I. Ch. v.

I.—INTRODUCTORY.

I propose to give in this paper an historical review of the origin and growth of the municipal system of Canada. Such a review suggested itself to me after a careful perusal of the valuable series of essays that are appearing from the press of the Johns Hopkins University in the State of Maryland. These studies are remarkable for the information they give on a subject to which historians of the United States have hitherto devoted very little attention. The papers that have already been published with respect to the local institutions of Virginia, of Maryland, and of the New England States, enable us to follow step by step the progress of the people in self-government. Under the conviction that a similar paper on local government in Canada may be of some value to students of political science in the absence of any work or treatise hitherto devoted to the subject, I shall endeavor to evolve out of a chaos of old documents, statutes, and histories

¹ Read in abstract before the Royal Society of Canada, 27th May, 1886.

such facts as may give a tolerably accurate idea of the gradual development of those local institutions on which must always rest, in a great measure, the whole fabric of popular liberty.

Such a subject ought to be interesting to every Canadian, but especially to the historical student. The former may care to learn something of the history of those institutions which perform so important a part in the economy of his daily life. The latter must find a deeper attraction in tracing the origin of the municipal government of this country even to those ancient institutions, which, very many centuries ago, kept alive a spirit of liberty among our English forefathers and among the German nations.¹

The Dominion of Canada now extends over a territory between the Atlantic and Pacific Oceans, almost equal in area to that of the United States. Its organized divisions consist of the provinces of Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, and British Columbia, each of which possesses a very liberal system of representative government. Every province has a Lieutenant-Governor, appointed by the government of the Dominion, and a Legislature composed in Nova Scotia, New Brunswick and Quebec, of a Legislative Council nominated by the Crown, and of a Legislative Assembly elected by the people on a very liberal franchise. In Manitoba, British Columbia, and Ontario there is no Second Chamber, while in Prince Edward Island that body is elected by the people. The Northwest Territories, which extend from Manitoba to the

¹ "The origin of local government in England, like that of our civil liberty, must be sought in the primitive but well-ordered communities of our Saxon forefathers. . . . The German nations, as described by Cæsar and Tacitus, were nothing but associations of self-governed villages, or larger districts, occupied by separate families, or clans, among whom there was not even the shadow of a common national allegiance, except for the purpose of war. Such was the organization of the Saxons, Jutes and Angles, when they first settled in England."—Cobden Club Essays, 1875, *Local Government in England*, by Hon. G. C. Brodrick, p. 3.

frontier of British Columbia—territories out of which may be formed many States as large and fertile as Minnesota—are as yet divided into mere territorial districts, over which preside a Lieutenant-Governor, appointed by the Ottawa Government, and a Council, partly nominated by the Crown, and partly elected by the people. In all of the provinces, as well as in the principal settlements, villages, and towns of the North-west, now exists a system of municipal institutions which are the growth of the experience of the past forty years, since the people of the old provinces of Canada have grown in population and wealth, and have fully recognized the necessity of managing their purely municipal and local affairs in councils elected by themselves. These municipal institutions are the creation, and are under the jurisdiction, of the Provincial Legislatures, in accordance with the constitution, known as the British North America Act, 1867, which gives the control of all general national affairs to the Federal Government, and the administration of all local matters to the Legislatures of the provinces. As the municipal institutions of Canada, in the first instance, owe their existence to statutory enactments of the Legislatures of the provinces, so they can be amended only by the authority of the same superior bodies.

The political history of Canada may be divided into three important epochs. First of all, there was the era of the French Régime which lasted for about a century and a half, from the 3rd of July, 1608, when Champlain established his seat of government on the picturesque heights of Quebec, until 1760, when France gave up the contest with England for the supremacy on the Continent of America. Then came the period from 1760 to 1840, when the provinces slowly increased in population under British Rule, and gained valuable experience in the working of representative institutions. Then followed the important and interesting period from 1840 to 1867, when the political liberties of the people were enlarged, and they were given responsible government in the full sense of the term. Since 1867, the various provinces,

united as the Dominion of Canada, have entered on a fourth era pregnant with promise.

II.—THE FRENCH RÉGIME, 1608–1760.

During the days of French domination in Canada, we look in vain for evidences of self-government in any form, such as we see in the town-meetings of Massachusetts and in the counties and parishes of Virginia, or in other local divisions of the old English colonies in America, in all of which we can see the germs of liberty and free institutions from the earliest days of their history. The system of government that was established on the banks of the St. Lawrence was the very opposite of that to which the people of New England always clung as their most valued heritage. While the townsfolk of Massachusetts were discussing affairs in town-meetings, the French inhabitants of Canada were never allowed to take part in public assemblies, but were taught to depend in the most trivial matters on a paternal government. Canada was governed as far as possible like a province of France. In the early days of the colony, when it was under the rule of mere trading companies chartered by the King, the Governors practically exercised arbitrary power, with the assistance of a Council chosen by themselves. Eventually, however, the King, by the advice of the great Colbert, took the government of the colony into his own hands, and appointed a Governor, an Intendant, and a Supreme or Sovereign Council to administer under his own direction the affairs of the country. The Governor, who was generally a soldier, was nominally at the head of affairs, and had the direction of the defences of the colony; but to all intents and purposes, the Intendant, who was a man of legal attainments, had the greatest influence in many ways. He had the power of issuing ordinances which had the effect of law, and in the words of his commission “to order everything as he shall see just and proper.” An examination of these ordinances proves conclusively the arbitrary

and despotic nature of the government to which the people were subject, and the care that was taken by the authorities to give them as little liberty as possible in the management of those local matters over which the inhabitants of the British colonies exercised the fullest control. These ordinances regulated inns and markets, the building and repairs of churches and presbyteries, the construction of bridges, the maintenance of roads, and all those matters which could affect the comfort, the convenience, and the security of the community.¹

It is interesting to notice how every effort that was made during the continuance of the French rule, to assemble the people for public purposes, and give them an opportunity of taking an interest in public questions, was systematically crushed by the orders of the government in accordance with the autocratic spirit of French monarchy. The first meeting of the inhabitants was called on the 18th of August, 1621, by Champlain, in Quebec, for the purpose of getting up a petition to the King on the affairs of Canada.² But this was a very exceptional event in the history of the colony. A public meeting of the parishioners to consider the cost of a new church could not be held without the special permission of the Intendant. It was the custom in the early days of the colony to hold public meetings in Quebec under the chairmanship of members of the Sovereign Council for the purpose of discussing the price and quality of bread and the supply of firewood. "Such assemblies, so controlled," says Parkman, "could scarcely, one would think, wound the tenderest susceptibilities of authority; yet there was an evident distrust of them, and after a few years this modest shred of self-government is seen no more."³

¹ "Les règlemens de police et les affaires municipales étaient aussi du domaine du gouverneur et de ses conseillers."—Doutre et Lareau, *Histoire Générale du Droit Canadien*, i. 37. See also Ferland, *Histoire du Canada*, i. 365.

² Doutre et Lareau, pp. 13, 14.

³ Parkman's *Old Régime in Canada*, pp. 280, 281.

We have a striking illustration of the arbitrary policy pursued toward the colony by the King and his Ministers in the action they took with reference to an attempt made by Count de Frontenac in 1672 to assemble the different orders of the colony—the clergy, the *noblesse* or *seigneurs*, the judiciary and the third estate, in imitation of the old institutions of France. He compelled the estates of Canada, as he called them, to take the new oath of allegiance before a great assemblage of persons. The French King did not long leave the haughty Governor in doubt as to his opinion of this innovation on the policy laid down for the government of the colony. “The assembling and division that you have made,” wrote Colbert, “of all the inhabitants of the country into three orders or estates with the object of administering to them the oath of allegiance might have some effect for the moment; but it is well to consider that you should always observe in the administration of public affairs those forms which are followed here and that our kings have deemed it inexpedient for a long time past to assemble the States-General of their kingdom, with the view perhaps of destroying the ancient system. Under these circumstances you should very rarely, and in fact it would be better if you should never, give this form to the people of the country. It will be advisable, even after a while, when the colony is more vigorous than at present, to suppress by degrees the syndic who presents petitions in the name of the inhabitants, as it seems better that everyone should speak for himself, and no one for all.”¹

The history of the officer just named, the syndic, of itself gives us some striking evidence of the stern determination of the government to stamp out every vestige of popular institutions, however insignificant it might be. The *syndics d'habitations* are said to have been originally constituted by Colbert to act as municipal officers appointed by the people of the

¹ Doutre et Lareau, pp. 169, 170; Chauveau, Notice sur la publication des Régistres du Conseil Souverain, etc., p. 34.

cities to preserve public rights. The references to these functionaries in the history of those times are very vague: they appear to have existed in Quebec, Montreal, and Three Rivers in 1647, but they ceased to exist by 1661. The government was determined to have no town-meetings or municipal officers in the province of Quebec. In 1663, a meeting of the citizens of Quebec was called by the Supreme Council, on the requisition of the Attorney-General, to elect a Mayor and two Aldermen for that town. The people accordingly chose Jean-Baptiste Legardeur, Sieur de Repentigny, for Mayor, and Jean Madry and Claude Charron for Aldermen; but these persons soon resigned in consequence, it is well understood, of the influence brought to bear upon them by the authorities. They declared that, having regard to the smallness of the population, it would be better to appoint a syndic. The first election held for this purpose was annulled, and another, called irregularly by the Governor, made a nomination. It appears that the Bishop, Monseigneur de Laval, a haughty, determined man, who proved himself during his memorable career in Canada a true descendant of the great house of Montmorency, was opposed to the action taken in this matter, and his friends in the council protested against the swearing in and installation of the syndic. The Governor, M. de Mezy, took upon himself to suspend the obstinate councillors, and consequently committed a violation of the royal instructions, for he had no power of appointing these functionaries without the consent of the Bishop, or of dismissing or suspending them at his own discretion.¹ Without dwelling further on these official squabbles, frequent enough in those times, it is only necessary to add that the sequel was that the country heard no more of attempts to establish even a semblance of popular representative government in the towns of Canada. The policy of the King and his advisers was determinately antagonistic to such

¹ Chauveau, pp. 24-30; Garneau, i. 179, 180; Parkman's *Old Régime*, p. 281; Doutre et Lareau, p. 129.

institutions. "It is of great consequence," wrote Meules to the minister in 1685, "not to give any liberty to the people to express their opinions."¹

The administration of local affairs was exclusively under the control of the King's officers at Quebec. As I have already shown, the ordinances of the Intendant and of the Council were the law. The local or territorial divisions of the colony had no connection, as did the townships, parishes, and counties of the English colonies in America, with the local affairs of the people. The country was subdivided into the following divisions for purposes of government, settlement, and justice :²

1. Districts.
2. Seigniories.
3. Parishes.

The districts were simply established for judicial and legal purposes, and each of them bore the name of the principal town within its limits, viz : Quebec, also called the *Prévôté de Québec*, Montreal, and Three Rivers. In each of these districts there was a judge, appointed by the King, to adjudicate on all civil and criminal matters. An appeal was allowed in the most trivial cases to the Supreme or Superior Council, which also exercised original jurisdiction.³

The greater part of Canada was divided into large estates or seigniories, which were held under a modified system of feudal tenure, established by Richelieu in 1627,⁴ with the view of creating a colonial aristocracy or *noblesse*, and of stimulating settlement in a wilderness. By this system, which lasted until 1854,⁵ lands were as a rule held immediately from the King

¹ Meules au Ministre, 1685.

² Bouchette, *A Topographical Description of the Province of Lower Canada*, etc., pp. 86, 87.

³ Doutre et Lareau, p. 130.

⁴ Garneau, i. 171.

⁵ It was abolished after many years of agitation by 18 Vict., c. 3.

en fief or *en roture*. The seignior, on his accession to the estate, was required to pay homage to the King, or to his feudal superior in case the lands were granted by another than the King.¹ The seignior received his land gratuitously from the crown, and granted them to his vassals who were generally known as *habitants* or cultivators of the soil. The *habitant* or *censitaire* held his property by the tenure of *en censive*, on condition of making annual payments in money or produce known as *cens et rente*, which were ridiculously small in the early times of the colony.² He was obliged to grind his corn at the seignior's mill (*moulin banal*³), bake his bread in the seignior's oven, give his lord a tithe of the fish caught in his waters, and comply with other conditions at no time onerous or strictly enforced in the days of the French regime. The land of the *censitaire* went to his heirs, but in case he sold it during his lifetime, one-twelfth of the purchase money was given under the name of *lods et ventes* to the seignior. In case the latter at any time transferred, by sale or otherwise, his seigniorship—except of course in the event of natural hereditary succession—he had to pay a *quint* or fifth part of the whole purchase money to his feudal superior, but he was allowed a reduction (*rabat*) of two-thirds when the money was paid down immediately.⁴

The system, irreconcilable as it is with our modern ideas of free settlement, had some advantages in a new country like

¹ Parkman, p. 245.

² Half a *sou*, and half a pint of wheat, or a few live capons, wheat, and eggs, would represent the *cens et rente* for each arpent in early days. Parkman's Old Régime, p. 249.

³ The government appear to have rigidly enforced the seignior's rights in the case of the *moulin banal*. For instance, in 1706, the Intendant issued an ordinance forbidding the Dame de La Forêt from turning her mill in the county of St. Laurent while there was a *moulin banal* in that place. Doutre et Lareau, p. 237.

⁴ For a succinct description of the main features of the seigniorial tenure, see Parkman's Old Régime, ch. 15; Garneau, i. 171–174.

Canada, where the government managed everything and colonization was not left to chance. The seignior was obliged to cultivate his estate at the risk of forfeiture—and many estates were from time to time resumed by the crown—and consequently it was absolutely necessary that he should exert himself to bring settlers upon his lands. The conditions of the tenure were in early times so trivial as not to burden the settler. The obligation of the *censitaire* to grind his corn in the seignior's mill was an advantage, since it insured him the means of procuring bread, which it would have been otherwise difficult to find in a country where there was neither money nor enterprise. The seigniories were practically so many territorial divisions where the *seigneur* was master and adviser to his *censitaires*. He had the right of dispensing justice in certain cases, though this was a right he very rarely exercised.¹ As respects civil affairs, however, both lord and vassal were to all intents and purposes on the same footing, for they were equally ignored in matters of government.

In the days of the French régime, the only towns for many years were Quebec, Montreal, and Three Rivers. Villages were but slow in growth, despite the efforts of the government to encourage them. In remote and exposed places—like those on the Richelieu, where officers and soldiers of the Carignan regiment had been induced to settle—palisaded villages had been built; but in the rural parts of the province generally, the people appear to have considered their own convenience. The principal settlements were, in the course of time, established on the banks of the St. Lawrence from Quebec to Montreal. The people chose the banks of the river, as affording them in those days the easiest means of intercommunication. As the lots of a grant *en censive* were limited in area—four arpents in front by forty in depth—the farms in the course of

¹ The seigniors rarely exercised their judicial rights; the Seminary of St. Sulpice was almost the only one to do so; the Council exercised superior jurisdiction in all cases. Doutre et Lareau, pp. 133, 305.

time assumed the appearance of a continuous settlement on the river. These various settlements became known in local phraseology as *Côtes*, apparently from their natural situation on the banks of the river. This is the derivation of Côte des Neiges, Côte St. Louis, Côte St. Paul, and of many picturesque villages in the neighborhood of Montreal and Quebec.¹

The parishes were established for ecclesiastical purposes, and were grouped on each side of the St. Lawrence and Richelieu. Their extent was exactly defined in September, 1721, by a regulation made by Messieurs de Vaudreuil and Begon, assisted by the Bishop of Quebec, and confirmed by an *Arrêt du Conseil* of the 2nd of March, 1722.² These parishes are constantly referred to in the ordinances of the Superior Council, in connection with the administration of local affairs. In the parishes, the influential men were the *Curé*, the seignior, and the captain of the militia.³ The seignior, from his social position, exercised a considerable weight in the community, but not to the degree that the representative of the Church enjoyed. From the earliest time in the history of the colony, we find the Roman Catholic Church exercising a dominant influence—an influence, it must be admitted, discreetly and wisely used for the welfare of the people committed to its spiritual care.⁴

¹ Parkman's *Old Régime*, p. 234.

² *Edits et Ordonnances*, i. 443. Doutre et Lareau, pp. 259, 260. Bouchette's *Canada*, p. 86.

³ "The most important persons in a parish were the curé, the seignior, and the militia captain. The seignior had his bench of honor in the church. Immediately behind it was the bench of the militia captain, whose duty it was to drill the able-bodied men of the neighborhood. . . . Next in honor came the local judge, if any there was, and the church wardens." Parkman's *Old Régime*, p. 387. The precedence in church and processions was regulated by ordinance. See Doutre et Lareau, p. 242.

⁴ "Lower Canada had, when we received it at the conquest, two institutions which alone preserved the semblance of order and civilization in the community—the Catholic Church and the militia, which was so constituted and used as partially to supply the want of better civil institutions."—Lord Durham's Report, p. 31.

Next to the curé in importance was the captain of militia, who was exceedingly useful in the absence of civil authorities in carrying out the orders and instructions of the Government in the parishes. The whole province was formed into a militia district so that, in times of war, the inhabitants might be obliged to perform military service under the French Governor. In times of peace, these militia officers executed the orders of the Governor and Intendant in all matters affecting the King. A captain was appointed for each parish, and in some of the larger divisions there were two or three.¹

By reference to the numerous ordinances of the Intendant, we can see pretty accurately how such local matters as the construction, maintenance and repair of roads and bridges were managed in the seigniories and parishes. In case it was considered necessary to build a church or presbytery, the Intendant authorized the *habitants* to assemble for the purpose of choosing from among themselves four persons to make, with the curé, the seignior, and the captain of the militia, an estimate of the expense of the structure. It was the special care of the captain of the militia to look after the work, and see that each parishioner did his full share.² It was only in church matters, in fact, that the people of a parish had a voice, and even in these, as we see, they did not take the initiative. The Quebec authorities must in all such cases first issue an ordinance.

All the roads and bridges of the colony were under the supervision of the *grand voyer*, or superintendent of highways, appointed by the King. We find in the proceedings of the Council on the 1st of February, 1706, the regulations which governed this important officer in the discharge of his duties. He was obliged to visit all the seigniories at certain times of the year and make provision for the highways wherever necessary. The roads and other local improvements were con-

¹ Doutre et Lareau, p. 136.

² Edits et ordonnances, ii. 295.

structed after consultation with the proprietors of lands and the most responsible persons of the place, at the expense of the people immediately interested. All the work was performed under the direction of the captain of militia in the parish.¹

The position of the people in French Canada for a century and a half has been tersely set forth by the writers to whom we have frequently referred: "Without education, without an opportunity of taking part in public affairs, without an interest in the public offices, all of which were filled up by persons sent out by the Government, the Canadian people were obliged to seek, in the clearing of the forest, in the cultivation of the field, in the chase and in adventure, the means of livelihood, and hardly ever busied themselves with public matters. Sometimes they thought they were becoming 'a people' on this continent, and might acquire a larger degree of liberty, but all such aspirations were promptly checked by the governor, the intendant and the bishop, in obedience to the instructions of the King. No social union existed between the people, no guarantees for civil liberty were ever established. On every occasion the people were taught to have no ambition for civil power, or for a share in public business. Reduced at last to a state of passive obedience, they accepted the orders and edicts of the King without a murmur."²

It is easy to understand that the result of this autocratic, illiberal system of government was complete social and political stagnation.³ It was not until the people of French Canada

¹ Edits et ordonnances, ii. 135.

² Doutre et Lareau, p. 308.

³ "The institutions of France, during the period of the colonization of Canada were, perhaps, more than those of any other European nation, calculated to repress the intelligence and freedom of the great mass of the people. These institutions followed the Canadian colonist across the Atlantic. The same central, ill-organized, unimproving and repressive despotism extended over him. Not merely was he allowed no voice in the government of the province, or the choice of his rulers, but he was not even permitted to associate with his neighbors for the regulation of those municipal affairs which the central authority neglected under the pretext of managing." Lord Durham's Report, p. 9.

had been for many years under a British system of government, that they awoke to the full consciousness of their rights, and began to take that practical interest in public affairs which was the best evidence of their increased intelligence.

III.—LOWER CANADA, 1760–1840.

For three years after the conquest of Canada, the government was in the hands of military chiefs who had their headquarters at Quebec, Montreal, and Three Rivers, the *chefs lieux* of the three departments into which General Amherst, the first English Governor-General, divided the new province. During this military régime the people as a rule settled their difficulties among themselves, and did not resort to the military tribunals which were established to administer law throughout the conquered territory.¹ In 1763, King George III. established four new governments in America, viz.: Quebec, East Florida, West Florida, and Grenada. For nearly thirty years, the people of the government of Quebec were not represented in a Legislature, but were governed up to 1774 by a Governor-General, and an Executive Council, composed in the first instance, of the two Lieutenant-Governors of Montreal and Three Rivers, of the Surveyor-General of Customs, and of eight others chosen from the leading residents of the province.² In 1774 the Imperial Parliament for the first time intervened in the affairs of the country, and passed the Quebec Act, by which the government was entrusted to a Governor-General and a Legislative Council appointed by the Crown, inasmuch as it was deemed “inexpedient to call an Assembly.” This irresponsible body was to contain not more than twenty-three and not less than seventeen members, and had power with the consent of the Governor-General “to make ordinances for the

¹ Attorney-General Thurlow's Report in Christie's History of Lower Canada, i. 49, 50.

² Christie, i. 49, 50.

peace, welfare, and good government of the province." It had no authority, however, to impose any taxes or duties, except such as the inhabitants of any town or district might be authorized to assess or levy within its precincts for the purpose of making roads, erecting and repairing public buildings, or for any other purpose respecting the local convenience and economy of such town or district.¹

During the military régime, the captains of militia dispensed justice and carried out the orders of the authorities in the parishes.² The King, in 1763, gave instructions to Governor Murray, who succeeded General Amherst, to lay out townships and provide town sites, with the view of encouraging the settlement of English-speaking people. Provision was also made for building a church, and for giving 400 acres of land to the support of a clergyman, and 200 acres for a schoolmaster.³ In 1764 the Governor established Courts of Quarter-Sessions for the trial of petty causes. These Courts were composed of Justices of the Peace, who had to address their warrants to the captains and other officers of militia in the first instance.⁴ The majority of the inhabitants dwelling in each parish were also permitted to elect, on the 24th of June in each year, six men to act as *Baillis* and *Sous-Baillis*.⁵ The names of these men were sent in to the Deputy Secretary of the province, and the Governor-General, with the consent of the Council, appointed the persons who were to act. These officers had for some years the inspection of the highways and bridges, and also acted as constables. In 1777, it was deemed advisable to pass an ordinance providing for the repair and maintenance of the roads and bridges in the province, under the direction of the *Grand Voyer*, whose office was reestablished

¹ 14 Geo. III. c. 83; Bourinot's *Parliamentary Procedure*, ch. i. on *Parliamentary Institutions in Canada*, pp. 9-12.

² Doutre et Lareau, p. 485.

³ *Ibid.*, p. 563.

⁴ *Ibid.*, p. 589.

⁵ *Ibid.*, p. 590.

in accordance with the desire of the Imperial Government to continue the old institutions of the country, to which the people were accustomed. The old French system was practically again in force. The proprietors and farmers were required to keep up the roads and bridges that passed by their respective properties. All repairs were performed by statute labor or at the cost of the parish. The Judges of Common Pleas on Circuit were to report on the state of the communications, as provided for in the ordinance.¹

In 1791, a very important constitutional change took place in the political condition of Canada. At the close of the American War of Independence, a large number of people known as United Empire Loyalists, on account of their having remained faithful to the British Crown during that great struggle, came and settled in the provinces. Some ten thousand persons, at least, made their homes in Upper Canada, while a considerable number found their way to the Eastern Townships which lie to the south of the St. Lawrence, between the Montreal district and the frontier of the United States. The Parliament of Great Britain then thought it advisable to separate the French and English nationalities by forming the two provinces on the St. Lawrence and the Great Lakes, known until 1867 as Lower Canada and Upper Canada. To the people of both sections were granted representative institutions.² By a proclamation of the Governor-General, dated 7th of May, 1792, Lower Canada was divided, for legislative purposes, into the following twenty-one counties:—Bedford, Buckingham, Cornwallis, Devon, Dorchester, Effingham, Gaspé, Hampshire, Hertford, Huntingdon, Kent, Leinster, Montreal, St. Maurice, Northumberland, Orleans, Quebec, Richelieu, Surrey, Warwick, and York.³ The names of some

¹ Ordinances for the Province of Quebec (Brown and Gilmore), p. 86.

² 31 Geo. III. c. 31; Bourinot, p. 14.

³ Bouchette's Topographical Description of Lower Canada, etc., p. 86. It appears that Nova Scotia was the first province in British North America to establish the old Norman division of "County," which is the equivalent of the Saxon "Shire." See *infra*, p. 44.

of these divisions recall well-known counties or shires in England.

The system of government established in 1791 continued in force until the suspension of the constitution of Lower Canada, as a consequence of the rebellion of 1837-8, under the leadership of Papineau and other men whose names are familiar to all students of Canadian political history. During these years, the country was practically governed by the Governor-General and the Executive and Legislative Councils, both nominated by the former. The popular house, however, had little influence or power as long as the Government was not responsible to the people's representatives, and was indifferent to their approbation or support. The result was an irrepressible conflict between the Assembly, and the Legislative and Executive Councils supported by the Governor-General. The fact was, the whole system of government was based on unsound principles. The representative system, granted to the people, did not go far enough, since it should have given the people full control over the public revenues and the administration of public affairs, in accordance with the principles of ministerial responsibility to Parliament as understood in the parent state. More than that, it failed because it had not been established at the outset on a basis of local self-government, as was the case in the United States, where the institutions of New England and other colonies had gradually prepared the people for a free system of government. Turning to the remarkable report on the affairs of Canada which bears the name of Lord Durham,¹ who was Governor-General and High Commissioner in 1839, we find the following clear appreciation of the weakness of the system in operation for so many years in the old provinces of

¹This remarkable document, it is now well understood, was written by Mr. Charles Buller, who accompanied Lord Durham in the capacity of secretary. "In fact written by Mr. Charles Buller, and embodying the opinions of Mr. Gibbon Wakefield and Sir William Molesworth on Colonial policy."—Note by Mr. Reeve to Greville's *Memoirs* (second part), i. 142.

Canada: "If the wise example of those countries in which a free and representative government has alone worked well had been in all respects followed in Lower Canada, care would have been taken that at the same time that a parliamentary system, based on a very extended suffrage, was introduced into the country, the people should have been entrusted with a complete control over their own local affairs, and been trained for taking their part in the concerns of the province by their experience in the management of that local business which was most interesting and most easily intelligible to them. But the inhabitants of Lower Canada were unhappily initiated into self-government at the wrong end, and those who were not trusted with the management of a parish were enabled by their votes to influence the destinies of a State."¹

The following divisions existed in Lower Canada, between 1792 and 1840, none of which, however, were constituted with a view to purposes of local government:—

1. Districts.
2. Counties.
3. Parishes.
4. Townships.

The four districts were Quebec, Three Rivers, Montreal, and St. Francis, which were established for purely judicial purposes. The courts therein had unlimited and supreme original jurisdiction. In addition to these superior districts there was the inferior division of Gaspé with a limited jurisdiction.

The counties were, as I have already intimated, established for parliamentary objects; for Lord Durham observed that he knew "of no purpose for which they were constituted, except for the election of members for the House of Assembly."² The parishes, into which the seigniories were divided, were

¹ Lord Durham's Report, p. 35.

² Report, p. 35.

the old divisions established in the days of the French régime. The limits of the parishes, as set forth in the ordinance of 1721, were not strictly adhered to as the population spread, and settlements became more numerous. It was consequently found necessary from time to time to build many new churches, that the means and accommodation for religious worship might keep pace with the numerical increase of the congregations. For the support of these churches, portions of ancient parishes were, as the occasion arose, constituted into new ones.¹ The townships were established a few years after the conquest, principally for surveying purposes, in order to meet the requirements of the considerable English population that in the course of time flowed into Upper and Lower Canada.²

The people that dwelt in the local divisions had no power to assess themselves for local improvements, but whenever a road or bridge was wanted it was necessary to apply to the Legislature. In consequence of this, the time of that body was constantly occupied with the consideration of measures, which should have been the work of such local councils as existed in different parts of the United States. The little schemes and intrigues into which the representatives of different localities entered in order to promote and carry some local work and make themselves popular with their constituents gave rise to a great deal of what is known, in American parlance, as "log-rolling." "When we want a bridge, we take a judge to build it" was the forcible way, according to Lord Durham's Report,³ in which a member of the provincial Legislature described the tendency in those days to retrench on the most important departments of the public service in order to satisfy the pressing demands for local works.

It would be supposed that the British-speaking people of the townships, whose early lives had been passed in the midst

¹ Bouchette, p. 86.

² Bouchette, p. 87; Lord Durham's Report, p. 36.

³ Report, p. 29.

of the liberal local institutions of the old British Colonies, would have been desirous of introducing into their respective districts at least a semblance of municipal government. We look in vain, however, for such an effort on their part. They appear to have quietly acquiesced in a state of things calculated to repress a spirit of local enterprise and diminish the influence of the people in the administration of public affairs. Indeed, we have some evidence that the government itself was prepared for many years to discourage every attempt to introduce into Canada anything like the local system that had so long existed in New England. British statesmen probably remembered the strong influence that the town-meetings of Boston had in encouraging a spirit of rebellion, and thought it advisable to stifle at the outset any aspirations that the Canadian colonists might have in the direction of such doubtful institutions. "I understand," wrote Mr. Richards in a report to the Secretary of State for the colonies, ordered by the House of Commons to be printed as late as March, 1832, "that the Vermonters had crossed the line and had partially occupied several townships, bringing with them their municipal institutions; and that when the impropriety of electing their own officers was pointed out to them, they had quietly given them up, and promised to conform to those of Canada."¹

While the Legislature was, to all intents and purposes, a large municipal council for the initiation and supervision of all local improvements, the affairs of the different parishes and townships were administered as far as consonant with the old French system. The *Grand Voyer* and Militia Captain continued to be important functionaries in the administration of local affairs. All the highways and bridges had to be repaired and maintained under the direction of the *Grand Voyer* or his deputy. Whenever it was necessary to open a new road or to change an old one, it was the duty of these officials, on receiving a petition from the locality, to call a

¹ Lord Durham's Report, p. 36.

public meeting with reference to the matter, by a notice published at the parish church door after the morning service. The *Grand Voyer* or his deputy had the power of dividing every parish, seigniory, or township, into such sections as he should think proper, and allot to each an overseer of highways and bridges, to be chosen at a meeting of householders, called and presided over by the eldest captain or senior officer of militia. These meetings were held in the public room of the parsonage of the parish, or at such other place as the captain of the militia might direct. The *Grand Voyer* had alone the power of appointing a surveyor of roads and of considering and deciding on reports made by such officers to him on the subject of highways. It was the duty of the Justices of the Peace, assembled in quarter sessions, to hear and adjudicate on all questions that might arise under this law. The same regulations, however, did not apply to the cities and parishes of Quebec and Montreal. Here the Justices of the Peace in sessions had practically the regulation of highways, streets, and local improvements, and appointed all the officers necessary to carry out the same. They also fixed and determined the sums of money that had to be paid for such purposes.¹

As a matter of fact, the *Grands Voyers*, who lived in Quebec, Montreal, and Three Rivers, had no very onerous functions to discharge. The people of the parishes and townships learned to depend on the Legislature and only performed the work imposed on them by the law regulating statute labor. The absence of effective municipal institutions was particularly conspicuous in the cities of Quebec and Montreal, where it would be expected that more public spirit would be shown. "These cities," I again quote from Lord Durham's Report,² "were incorporated a few years ago by a temporary provincial Act of which the renewal was rejected in 1836. Since that time these cities have been without any municipal government

¹ See Lower Canada Statutes, 1796.

² Report, p. 36.

and the disgraceful state of the streets and the utter absence of lighting are consequences which arrest the attention of all and seriously affect the comfort and security of the inhabitants.”

In every matter affecting the administration of civil and judicial affairs there appears to have been a remarkable absence of anything approaching a workable system by which the people might manage their affairs. More than that, there was actually an insufficiency of public officers for the administration of justice. Outside the cities, the machinery of civil government was singularly defective. A Sheriff was appointed only for each of the four judicial districts. Neither Sheriffs nor Constables nor parochial officers could be found in the majority of the counties of the province. It is true there were a number of Justices of the Peace who assembled in Quarter-Sessions in accordance with the system so long in vogue in England and her colonies, but these men were appointed without much regard to their qualifications for the position, and even the permanent salaried Chairmen, appointed by the Crown, were in the course of time abolished by the Legislature, and these inferior Courts consequently deprived of the services of men generally of superior attainments.¹ Practically, the affairs of each parish were regulated by the Curé, the Seigneur and the Captain of militia, as in the days of French government. Thanks to the influence of these men, peace and order prevailed. Indeed as we review the history of French Canada in all times, we cannot pay too high a tribute to the usefulness of the French Canadian clergy in the absence of the settled institutions of local government. In fact, it was only in ecclesiastical affairs that the people ever had an opportunity of exercising a certain influence. The old institution of the *fabrique*—which still exists² in all its vigor

¹ Lord Durham's Report, p. 39.

² The law still makes special provision for the erection and division of parishes, the construction and repair of churches, parsonages, cemeteries, and for the meeting of fabriques. Every decree for the canonical erection of a new parish, or for the subdivision, dismemberment or union of any parishes,

—enabled them to meet together whenever it was necessary to repair a church or presbytery. When the religious services were over, the people assembled at the church door and discussed their affairs.

No doubt the influences of the old French Régime prevailed in Lower Canada for a long while after the conquest. A people whose ancestors had never learned the advantages of local self-government, would be naturally slow to awake to the necessity of adopting institutions under which the American colonists had flourished. It may be true, as Mr. Parkman says, that the French colonists, when first brought to America, could not have suddenly adopted the political institutions to which the English-speaking colonists at once had recourse as the natural heritage of an English race. It is certainly true, as the eminent American historian adds, that the mistake of the rulers of New France “was not that they exercised authority, but that they exercised too much of it, and instead of weaning the child to go alone kept him in perpetual leading strings, making him, if possible, more and more dependent, and less and less fit for freedom.” When the French Canadian became subject to the British Crown, he was, literally, a child who had never been taught to think for himself in public affairs. He was perfectly unskilled in matters appertaining to self-government, and had no comprehension whatever of that spirit of self-reliance and free action which characterizes the peoples brought up under Teutonic and English institutions. In the course of time, however, the best minds among them began to appreciate fully the advantages of free government, and to their struggles for the extension of representative gov-

or with regard to the boundaries of parishes, must be publicly read from the pulpit or chapel of the parish, and other formal steps taken to notify the inhabitants of the proposed measure, before Commissioners appointed by the State can give civil recognition to the decree. On the *procès verbal* of these officers, the Lieutenant-Governor may issue a proclamation under the great seal of the province, erecting such parish for civil purposes. See Consol. Stat. Low. Can., c. 18, and amending Statutes.

ernment the people of British North America owe a debt of gratitude. It took a long while, however, to educate the people of French Canada up to the necessity of establishing a liberal system of municipal institutions. As we shall see, before the close of this paper, it was not until after the Union of 1840, that the French Canadians could be brought to acknowledge the benefits of local taxation imposed by their own local representatives. In this respect, they made less progress than the people of Upper Canada, to whose history we shall now proceed to refer.

IV.—UPPER CANADA, 1792–1840.

As I have already stated, Upper Canada was settled by United Empire Loyalists, who came into the country after the War of Independence. The majority of these people settled on the shores of Lake Ontario, in the vicinity of Kingston and the Bay of Quinté, in the Niagara district, and in other favored localities by Lakes Ontario and Erie.¹ On the 24th of July, 1788, the Governor-General issued a proclamation² constituting the following districts in Western or Upper Canada, viz., Luneburg, Mecklenburg, Nassau, Hesse.

Luneburg comprised the towns or tracts known by the names of Lancaster, Charlottenburg, Cornwall, Osnabruck, Williamsburg, Matilda, Edwardsburg, Augusta, and Elizabethtown. Mecklenburg comprised Pittsburg, Kingston, Ernestown, Fredericksburg, Adolphustown, Marysburg, Sophiasburg, Ameliasburg, Sydney, Thurlow, Richmond, and Camden. Nassau comprised the extensive district which extends from Trent to Long Point on Lake Erie, and Hesse,

¹ Ryerson's *Loyalists in America*, ii. 189.

² See Proclamation in Collection of Acts and Ordinances relating to Upper Canada, York, 1818. Luneburg is correctly spelt in the Proclamation, but in course of time it became, for some unexplained reason, "Lunenbourg." The name still survives in the changed form in Nova Scotia.

the rest of the western part of Canada to Lake St. Clair.¹ To each of these districts were appointed a Judge and a Sheriff, and justice was administered in Courts of Common Pleas. The Justices were taken from the best men the country offered in the absence of persons of legal attainments.² The Judges in those primitive times seem to have possessed almost absolute power.

The first local divisions of Upper Canada appear to have been the townships. The British Government was extremely liberal in its grants of land to the Loyalists and the officers and soldiers who settled in Upper Canada and the other provinces. The grants were made free of expense on the following scale: to a field officer, 5,000 acres; to a captain, 3,000; to a subaltern, 2,000; to a private, 200. Surveys were first made of the lands extending from Lake St. Francis, on the St. Lawrence, to beyond the Bay of Quinté. Townships were laid out and divided into concessions and lots of 200 acres. Each township generally extended nine miles in front and twelve in the rear, and varied from 80,000 to 40,000 acres. The townships were not named for many years, but were numbered in two divisions.³ One division embraced the townships below Kingston on the St. Lawrence, and the other townships westward to the head of the Bay of Quinté. One of the first set-

¹ Canniff's History of the Settlement of Upper Canada, p. 62; also foregoing Proclamation.

² Judge Duncan of Lunenburg was a storekeeper and a Captain in the militia; he dealt out law, dry goods, and groceries alternately. *Ibid.*, p. 506.

³ Canniff; Ryerson, ii. 224-5. Dr. Scadding, Toronto of Old, p. 362, gives an amusing account of the frivolous way in which many of the old townships of Upper Canada were named in the course of years. Flos, Tay and Tiny, which are names of three now populous townships in the Penetanguishene district, are a commemoration of three of Lady Sarah Maitland's lapdogs. Some one wrote *Jus et Norma*, as a joke, across a plan of a newly surveyed region, and three townships were consequently known as "Jus," "Et," and "Norma" for years until they were changed to Barrie, Palmerston and Clarendon respectively. "Aye," "Yea," and "No" were also designations of local divisions.

tlers of Upper Canada has given us the following description of the mode in which the townships were granted by the government:—

“At length the time came in July, for the townships to be given out. The Governor came and having assembled the companies before him, called for Mr. Grass, and said: ‘Now you were the first person to mention this fine country, and have been here formerly as a prisoner of war. You must have the first choice. The townships are numbered, first, second, third, fourth and fifth; which do you choose?’ ‘The first township’ (Kingston). Then the Governor says to Sir John Johnson, ‘Which do you choose?’ He replies, ‘The second township’ (Ernestown). To Colonel Rogers, ‘Which do you choose?’ He says, ‘The third’ (Fredericksburg). To Major Vanalstine, ‘Which do you choose,’ ‘The Fourth’ (Adolphustown). Then Colonel McDonell got the fifth township (Marysburg). So, after this manner, the first settlement of Loyalists in Upper Canada was made.”¹

The districts which were constituted in 1788 were intended mainly for judicial purposes, and were named after great houses in Germany, allied to the royal family of England. The same was the case with the first townships that were laid out. The first township was called Kingstown, after His Majesty George III; Ernestown after Ernest Augustus, eighth child of the King; Adolphustown, after another son.² Provision was made for future towns during the first surveys. A plot was generally reserved in some locality which seemed especially adapted for a town. This was the case in Adolphustown, where a lot was granted to each of the settlers. But

¹ Ryerson, ii. 209.

² “King George III, who died in 1820, aged 82, having reigned 60 years, had a family of 15 children, whose names were George, Frederick, William Henry, Charlotte Augusta, Matilda, Edward, Sophia Augusta, Elizabeth, Ernest Augustus, Augustus Frederick, Adolphus Frederick, Mary Sophia, Octavius, Alfred, and Amelia. These royal names were appropriated to the townships, towns, and districts.” Canniff, p. 439.

towns were of very slow growth, until some years after the establishment of a separate government in Upper Canada, when settlers began to flow steadily into a country whose fertility and productiveness commenced at last to be understood. Not a few of the towns owe their establishment to private enterprise and prescience in the first instance.¹

In 1791 Upper Canada was separated from French Canada, and became a province with a Legislature composed of a Lieutenant-Governor, a Legislative Council appointed by the Crown, and a Legislative Assembly elected by the people.² When Lieutenant-Governor Simcoe undertook the administration of the affairs of the new province, he issued a proclamation dividing it into nineteen counties, as follows: Glengary, Stormont, Dundas, Grenville, Leeds, Frontenac, Ontario, Addington, Lenox, Prince Edward, Hastings, Northumberland, Durham, York, Lincoln, Norfolk, Suffolk, Essex, and Kent.³ Some of the well-settled counties were divided into ridings,⁴ each of which sent a representative to the Legislature. In other cases one representative was elected for two or more counties. One of the first Acts of the Legislature was to change the names of the four divisions established in 1788 to the Eastern, Midland, Home, and Western Districts.⁵ In the

¹ "Windsor (now Whitby) was so named about 1819 by its projector, Mr. John Scadding, the original grantee of a thousand acres in this locality. On a natural harbor of Lake Ontario, popularly known as Big Bay, Mr. Scadding laid out the town, built the first house, and named the streets, three of them after his three sons—John, Charles, and Henry." Ryerson, ii. 260. One of these sons, here mentioned, is the well-known antiquarian of Toronto, Rev. Dr. Scadding.

² 31 Geo. III, c. 31.

³ See Proclamation in Statutes of Upper Canada, i. 23.

⁴ Trithings or ridings were divisions peculiar to Yorkshire and Lincolnshire, though Robertson (Scotland under her early Kings, iii. 433) is inclined to trace them in Kent and Surrey. Bishop Stubbs, however, (Constitutional History, i. 100) considers the view "very interesting but very conjectural."

⁵ Upp. Can. Stat. 32 Geo. III, c. 8.

course of years the number was increased by the addition of the Johnstown, Newcastle, Niagara, London, and Gore Districts.¹ These districts were intended mainly for legal and judicial purposes. But all these old names, so familiar in provincial history, have become obliterated by the county organizations.

The Duke de la Rochefoucault-Liancourt, who visited the country in 1795, and had several interviews with Governor Simcoe, at Newark, now Niagara, the old capital of Upper Canada, informs us that the division of the four districts into counties was "purely military, and related merely to the enlisting, completing and assembling of the militia. The militia of each county is commanded by a lieutenant."² Whilst the Duke was, no doubt, correct in the main, it must not be forgotten that the erection of counties was also necessary for purposes of representation. A section of the act establishing the Constitution of Upper Canada expressly provided: His Majesty may authorize "the Governor or Lieutenant-Governor of each of the provinces of Upper and Lower Canada to issue a proclamation dividing such province into districts or counties or circles, towns and townships, and appointing the limits thereof, and declaring and appointing the number of representatives to be chosen by each of such districts, counties or circles, towns and townships respectively."³ Members for the Legislature were then, and for many years afterward, chosen by freeholders having real property to the yearly value of forty shillings in districts, counties or circles, and five pounds sterling in towns and townships, or who paid a rental in the latter at the rate of ten pounds sterling a year.⁴

The Legislature was composed of plain, practical men, who went energetically to work in the first sessions to provide for the wants of the few thousands of people scattered through-

¹ Bouchette, p. 590. Scadding's Toronto, p. 361.

² De la Rochefoucault-Liancourt, *Voyage dans les États-Unis et le Haut Canada*, i. 434.

³ 31 Geo. III, c. 31. s. 14.

⁴ Imp. Stat. 31 Geo. III, c. 31.

out the wide extent of country over which their jurisdiction reached. For many years their principal duties were confined to measures for carrying on local improvements. It was considered "requisite, for the maintenance of good order and the rigid execution of the laws, that proper officers should be appointed to superintend the observance thereof."¹ Accordingly, the people were authorized by statute to meet in any parish, township or reputed township or place on the warrant of the High-Constable, who was to preside on such occasions. These assemblies were composed of the inhabitants who were householders and ratepayers in the locality interested, and were held in the early times, for convenience sake, in the parish church or chapel. They had to elect a parish or town Clerk, who was to make out annual lists of the inhabitants within a district, keep the records, and perform other business connected with such an office. The other officers appointed were as follows: Assessors, to assess all such rates and taxes "as shall be imposed by any Act or Acts of the Legislature;" a Collector, "to receive such taxes and rates in the manner authorised by the Legislature;" Overseers of Roads and Highways, "to oversee and perform such things as shall be directed by any act passed touching or concerning the highways and roads in the province," and to act as Fence-Viewers "conformable to any resolutions that may be agreed upon by the inhabitants at such meetings"; a Pound-Keeper, to impound all stray cattle. The act also provided for two Town-Wardens. As soon as there should be any church built for the performance of Divine service according to the use of the Church of England, then the parson or minister was to nominate one Warden and the inhabitants the other. These Wardens were a corporation to represent the whole inhabitants of the township or parish, with the right to let or sell property, to sue and be sued. The High-Constable, who called and presided over the township meetings, was appointed by the Justices in

¹Upp. Can. Stat. 33 Geo. III, c. 2.

Quarter-Sessions. The presiding officer had to communicate a list of persons nominated at these meetings to a Magistrate, who was to administer to them the oath of office. In case the persons appointed at the meeting refused to act, they were subject to a penalty, and the Magistrates in Sessions called for that purpose proceeded to fill the vacancies. In case there were not thirty inhabitants in a township, then they were considered to form part of the adjacent township which should contain the smallest number of inhabitants.¹

The following extract from the early records of the township of Sophiasburg, or the 6th township lying on Picton and Quinté Bays, will be read with interest, because it shows that there was an attempt made to establish a parish system on the basis of that so long existent in the parent State. No similar record can be found in the annals of the old townships of Upper Canada, although the references in the Constitutional Act of 1791, and in several provincial statutes,² go to show that the erection of parishes was in the minds of those who were engaged in developing local institutions in the country:—

“Passed at Sophiasburg, at a regular town meeting, 3rd March, 1800. And be it observed—That all well-regulated townships be divided into parishes. Be it enacted by the

¹ One of the first reported town meetings (Canniff, p. 454) held in accordance with the act, was that of Adolphustown, which came off on the 6th of March, 1793. The following words are an exact transcript of the record:—“The following persons were chosen to officiate in their respective offices, the ensuing year, and also the regulations of the same: Reuben Bedell, township clerk; Paul Huff and Philip Dorland, overseers of the poor; Joseph Allison and Garit Benson, constables; Willet Casey, Paul Huff and John Huyck, Pound-Keepers; Abraham Maybee and Peter Rutland, Fence-Viewers. The height of fence to be 4 feet 8 inches; water fence voted to be no fence. Hogs running at large to have yokes on 18 by 24 inches. No pigg to run until three months old. No stallion to run. Any person putting fire to any bush or stable, that does not his endeavour to hinder it from doing damage, shall forfeit the sum of forty shillings.”

(Signed) PHILIP DORLAND, T. Clerk.

² See *supra*, p. 58.

majority of votes, that this town shall be divided into parishes, and described as follows: St. John's, St. Matthew's, St. Giles, Mount Pleasant."¹

It does not appear, however, that parishes were established to any extent on the English system throughout Upper Canada, although they were general for ecclesiastical purposes. The Church of England was the dominant religious body for many years, and there was an effort made to establish it by giving it large reserves of public lands. We shall see, however, later on, that parishes were established in the maritime provinces for civil purposes as in some of the old English colonies in America.

In accordance with the British system of local government in counties, the Magistrates in Sessions performed an important part in the administration of local affairs. These Courts of Quarter Sessions have long existed in English counties, and their functions have been regulated by a series of statutes commencing in the Tudor times and coming down to the present day. The English counties were subdivided into petty sessional divisions. At the head of this civil organization in a county is the Lord-Lieutenant and the *Custos Rotulorum*. These two offices are usually held by one person, who holds office under a special commission from the Crown, and is generally a peer of the realm or large landowner.² "His office," says Hallam, "may be considered as a revival of the ancient local earldom, and it certainly took away from the sheriff a great part of the dignity and importance which he had acquired since the discontinuance of that office. Yet the Lord-Lieutenant has so peculiarly military an authority that it does not in any degree control the civil power of the sheriff as the executive minister of the law."³

¹ Canniff, p. 472.

² The English Citizen Series. Local Government in England, M. D. Chalmers, p. 93.

³ Const. Hist. (Eng. ed. 1881) ii. 134.

It appears from the old records that there was a similar officer appointed in the early times of Canada. Speaking of Lower Canada, Lord Durham says: "The Justices of the Peace scattered over the whole of Lower Canada are named by the Governor on no very accurate information, there being no Lieutenants or similar officers of counties in this as in the upper province."¹ The Duke de la Rochefoucault, writing in 1795, says: "Simcoe is by no means ambitious of investing all power and authority in his own hands, but consents that the *Lieutenants*, whom he nominates for each county, should appoint the Justices of the Peace and the officers of the militia."² From these and other references to the duties of the officer, he appears to have discharged functions similar to those of the Lord-Lieutenant in England, since he appointed Justices and commanded the militia. The title, however, appears to have fallen into disuse in the course of a few years,³ though there was a *Custos Rotulorum* or Chairman of Sessions in all the provinces. The Lieutenantcy in Upper Canada never assumed as much importance as did the same office in Virginia.⁴

¹ Report, p. 41.

² Vol. i. p. 416.

³ The *Upper Canada Almanac* for 1804, published at York, gives the following list of "Lieutenants of Counties:" "John Macdonell, Esq., Glengarry; William Fortune, Esq., Prescott; Archibald Macdonell, Esq., Stormont; Hon. Richard Duncan, Esq., Dundas; Peter Drummond, Esq., Grenville; James Breckenridge, Esq., Leeds; Hon. Richard Cartwright, Esq., Frontenac; Hazelton Spencer, Esq., Lenox; William Johnson, Esq., Addington; John Ferguson, Esq., Hastings; Archibald Macdonell, Esq., of Marysburg, Prince Edward; Alexander Chisholm, Esq., Northumberland; Robert Baldwin, Esq., Durham; Hon. David William Smith, Esq., York; Hon. Robert Hamilton, Esq., Lincoln; Samuel Ryerse, Esq., Norfolk; William Claus, Esq., Oxford; (Middlesex vacant); Hon. Alexander Grant, Esq., Essex; Hon. James Baby, Kent." These Lieutenants do not appear to have been appointed in subsequent years. The foregoing list recalls the names of men prominent in the early days of Canada. Some of their descendants still play a conspicuous part in public affairs.

⁴ "One is struck by the prominence of the Lieutenant, anciently the Commander, who, besides being the chief of the militia in his county, was a

As I have already shown, the Justices in sessions appointed as in England a High Constable, and discharged certain functions now performed by municipal bodies in Canada. All moneys collected by Assessors of Taxes were to be paid into the hands of Treasurers who were appointed by the Justices in general quarter sessions. The Justices so assembled directed how the moneys were to be disbursed in accordance with the law. The Legislature, from time to time, regulated the time and place for holding these Courts. The Quarter-Sessions were held in 1793, at Adolphustown, Kingstown, Michillimackinac, Newark, New Johnstown, and Cornwall, then the principal towns of the province. The jurisdiction of the Justices was very extensive in those times. They had the carrying out in a great measure of the Acts of the Legislature providing for the defraying of the expenses of building court-houses and jails, of keeping the same in repair, of the payment of Jailers, of the support and maintenance of prisons, of the building and repairing of houses of correction, of the construction and repairs of bridges, of the fees of Coroners and other officers, and of all other matters that were essentially of a local character. Whenever it was necessary to establish a market, the Legislature had to pass a special Act giving the requisite power to the Court of Sessions. For instance, we find an Act authorizing the Justices in this Court "to fix, open and establish some convenient place in the town of Kingston as a market, where butcher's meat, butter, eggs, poultry, fish and vegetables, shall be exposed to sale, and to appoint such days and hours as shall be suitable for that purpose, and to make such other orders and regulations relative thereto as they shall deem expedient."¹ The Justices of the

member of the Council, and as such a judge of the highest tribunal in the county. With Commissioners of the Governor he held monthly courts for the settlement of suits, not exceeding in value one hundred pounds of tobacco, and from this court, appeal was allowed to the Governor and Council." *Local Institutions of Virginia*. By Edw. Ingle, Johns Hopkins University Studies in Historical and Political Science, vol. iii. 185.

¹ *Upp. Can. Stat.* 41 Geo. III, c. 3.

Peace had also other important functions to discharge out of the sessions. For instance, it was on their certificate that the Secretary of State granted licenses to public houses. These licenses were only granted after full inquiry and discussion at public meetings duly called for that purpose by the High Constable or other public officer.¹ The Justices in quarter sessions also appointed Surveyors of Highways, to lay out and regulate statute labor on the public roads. All persons were liable to work on the roads, in proportion to the assessment on their real and personal property.²

For the first fifteen or twenty years of the history of the administration of civil affairs in Upper Canada, the burdens of the people were exceedingly small. A Canadian historian says on this point: "No civilized country in the world was less burdened with taxes than Canada West at this period. A small direct tax on property, levied by the District Courts of Sessions, and not amounting to £3,500 for the whole country, sufficed for all local expenses. There was no poor rate, no capitation tax, no tithes, no ecclesiastical rates of any kind. Instead of a road tax, a few days of statute labor annually sufficed."³

Under such circumstances we can easily understand why the condition of Kingston, for many years the most important town of Upper Canada, should have been so pitiable according to a writer of those early times: "The streets [in 1815] require very great repairs, as in the rainy seasons it is scarcely possible to move about without being in mud to the ankles. Lamps are required. . . . But first the Legislature must form a code of laws, forming a complete police. To meet expense, Government might lay a rate upon every inhabitant householder in proportion to value of property in house."⁴

¹ Upp. Can. Stat. 34 Geo. III, c. 12.

² *Ibid.*, 48 Geo. III, c. 12.

³ McMullen's History, p. 247.

⁴ Canniff, p. 432.

Subsequently, when Kingston became the seat of government, the municipal authorities were encouraged to make improvements in streets, drainage, sidewalks, and otherwise. When the town of York was incorporated as a city, in 1834, under the name of Toronto, it had not a single sidewalk within its limits, and the first Mayor, Mr. W. Lyon Mackenzie, had to initiate a system of local improvements under great difficulties.¹

As the country filled up, and the necessity arose for roads and bridges and other local improvements, the taxes increased; although they never became heavy under the unsatisfactory system that prevailed, until after the reunion of the Canadas in 1841. The time of the Legislature was constantly occupied in passing Acts for the construction of public works necessary for the comfort, safety, and convenience of particular localities. A large amount of "parish" business was transacted in those days by the Legislature which might as well have been done by local Councils. As compared with Lower Canada, however, the people had eventually a workable system of local government, which enabled them to make many improvements for themselves. The construction of canals and other important works of provincial importance, on an expensive scale, at last left so little funds in the treasury that the Parliament of this province alone, among the North American colonies "was, fortunately for itself, compelled to establish a system of local assessment, and to leave local works in a great measure to the energy and means of the localities themselves."² Still the system, as the country became more populous and enterprising, proved ultimately quite inadequate to meet the requirements of the people and to develop their latent energies. The Legislature was constantly called upon to give power to local authorities to carry out measures of local necessity. Whatever taxation was necessary for local purposes had to be im-

¹ Lindsey's *Life of Mackenzie*, i. 312.

² Lord Durham's Report, p. 48.

posed through the inconvenient agency of Courts of Quarter-Sessions, over which the people exercised little or no control. If the people of a city or town wished to be incorporated, they were forced to apply to the Legislature for a special Act. The powers granted to these corporations were by no means uniform, and great confusion resulted from the many statutes that existed with respect to these bodies. "No lawyer," says a writer on the subject,¹ could give an opinion upon the rights of an individual in a single corporation without following the original act through the thousand sinuosities of parliamentary amendment, and no capitalist at a distance could credit a city or town without a particular and definite acquaintance with its individual history." It was not, however, until after the reunion of the Canadian provinces, that steps were taken to establish in Upper Canada a larger system of popular local government in accordance with the wise suggestions made by Lord Durham and other sagacious British statesmen. But before we can refer to this part of the subject, I must first review the early local history of the maritime provinces of Nova Scotia, New Brunswick, and Prince Edward Island.

V.—THE MARITIME PROVINCES.

When Nova Scotia became a possession of England by the treaty of Utrecht in 1713, the only place of any importance was Port Royal, originally founded by a French gentleman-adventurer, Baron de Poutrincourt. The English renamed the place "Annapolis Royal," in honor of Queen Anne, and for some years it was the seat of government. The province in those days had a considerable French Acadian population, chiefly settled in the Annapolis valley, and in the fertile country watered by the streams that flow into the Bay of Fundy. For some years there was a military government in Nova Scotia. In 1719, the governor received instructions to choose a council

¹ J. Sheridan Hogan, *Prize Essay on Canada*, 1855, p. 104.

for the management of civil affairs from the principal English inhabitants, until an assembly should be formed to regulate matters in accordance with the instructions given to the American colonies generally. This first council was composed exclusively of officers of the garrison and of officials of the public departments. The French inhabitants in their respective parishes were permitted, in the absence of duly appointed magistrates, to choose deputies from among themselves for the purpose of executing the orders of the government and acting as arbitrators in case of controversies in the French settlements. An appeal was allowed to the governor at Annapolis.¹

In 1749, the city of Halifax was founded by Governor Cornwallis on the shores of Chebucto Bay, on the Atlantic coast. The government of the province was vested in a Governor and Council, and one of their first acts was to establish a Court of General Sessions, similar in its nature and conformable in its practice to the Courts of the same name in the parent State.² In 1751 they passed an ordinance that the town and suburbs of Halifax be divided into eight wards, and the inhabitants empowered to choose annually the following officials "for managing such prudential affairs of the town as shall be committed to their care by the Governor and Council:—eight town-overseers, one town-clerk, sixteen constables, eight scavengers."³

It was only after the establishment of the first Legislature that Nova Scotia was divided into local divisions for legislative, judicial, and civil purposes. The first House of Assembly, elected in 1758, was composed of twenty-two representatives, of whom sixteen were chosen by the province at large, four by the township of Halifax, and two by the township of Lunenburg. It was at the same time provided that whenever fifty

¹ Haliburton's *History of Nova Scotia*, i. 93, 96.

² *Ibid.*, p. 163.

³ Murdoch's *History*, ii. 199.

qualified householders were settled at Pisiquid (now Windsor), Minas, Cobequid, or at any other township which might be thereafter erected, it should be entitled to send two representatives to the Assembly.¹ In 1759, the Governor and Council divided the province into five counties: Annapolis, Kings, Cumberland, Lunenburg and Halifax.² A few years later the whole island of Cape Breton was formed into a county.³

The Legislature appears to have practically controlled the administration of local affairs throughout the province, except so far as it gave, from time to time, certain powers to the Courts of Quarter-Sessions to regulate taxation and carry out certain public works and improvements. In the first session of the Legislature, a joint committee of the Council and Assembly choose the town officers for Halifax, viz., four overseers of the poor, two clerks of the market, four surveyors of the highways, two fence viewers, and two hog-reeves.⁴ We have abundant evidence that at this time the authorities viewed with disfavor any attempt to establish a system of town government similar to that so long in operation in New England. On the 14th of April, 1770, the Governor and Council passed a resolution that "the proceedings of the people in calling town-meetings for discussing questions relative to law and government and such other purposes, are contrary to law, and if persisted in, it is ordered that the parties be prosecuted by the attorney-general."⁵ The government of Nova Scotia had before it, at this time, the example of the town-meetings of Boston, presided over by the famous Samuel Adams, and

¹ Haliburton, i. 208. Murdoch, ii. 334, 351.

² Murdoch, ii. 373, 374. In the election for the Assembly that came off in August of the same year, the counties in question returned two members each; the towns of Lunenburg, Annapolis, Horton, and Cumberland, two each, and the township of Halifax, four, or twenty-two representatives in all.

³ *Ibid.*, p. 454.

⁴ *Ibid.*, p. 361.

⁵ Haliburton, i. 248.

doubtless considered them as the very hotbeds of revolution.¹ What the Tories thought of these popular bodies can be understood from the following extract, which gives the opinion of a rabid writer of those revolutionary times. "This is the foulest, subtlest, and most enormous serpent ever issued from the egg of sedition. I saw the small seed when it was implanted; it was a grain of mustard. I have watched the plant until it has become a great tree."²

In the course of time the province was divided for legislative, judicial and civil purposes, as follows:—

1. Divisions or circuits, generally consisting of one or more counties, for purposes connected with the Courts.

2. Districts, generally of one or more counties, established, as a rule, for the convenience of the people, who had the privilege conferred upon them of having a Court of Sessions of the Peace for the regulation of their internal affairs.

3. Counties, generally established for legislative purposes.

4. Townships, which were simply subdivisions of the county intended for purposes of local administration or of representation.

In each county there was a Sheriff and Justice of the Peace, whose jurisdiction extended throughout the same. Each district was generally provided with a Court-house which belonged to the county. The townships did not contain any definite quantity of land, as was generally the case in Upper Canada. The inhabitants appear, according to Judge Haliburton, "to have had no other power than that of holding an

¹ Bancroft very truly considers Samuel Adams more than any other man, "the type and representative of the New England town-meeting." *History of the Constitution*, ii. 260. For an interesting account of his career, see *Samuel Adams, the Man of the Town Meeting*, by J. K. Hosmer. Here the reader will be able to obtain a very accurate idea of the important influence that Adams and the town-meetings of Boston exercised over the destinies of America. No wonder was it that the governing class in Halifax frowned upon all manifestations of popular feeling in the province.

² Daniel Leonard, cited by Hosmer, p. 45.

annual meeting for the purpose of voting money for the support of the poor.”¹ Up to very recent times, the Justices in Sessions were practically the local governing bodies in the various divisions of the province. Even Halifax was not allowed a special act of incorporation as a city until 1841, although its people made frequent applications to the Legislature for power to manage their own affairs.² The time of the Legislature was taken up with making provision for local wants. All the roads and bridges were built and maintained, and the public schools supported by the Legislature. The system that so long prevailed, by which members of the Legislature controlled the expenditures for local works, was well calculated to demoralize public men and encourage speculation and jobbery. Large sums were frittered away by the appointment of Road Commissioners with reference only to political considerations.³ It was one well adapted to stimulate the energies of village politicians, and the spirit of party in the counties.

As respects local affairs, the people had little or no voice. The Grand Jury, in the Court of Sessions of the Peace,

¹ Haliburton's Hist. ii. 8, 9.

² Murdoch, ii. 449. In 1850 Mr. Howe attempted to pass a bill dividing the county of Halifax into townships, and conferring certain municipal privileges upon the inhabitants. The people were to have the power to raise funds by assessment for the support of education and for other public purposes, and to elect their own township officers, including Magistrates. Lord Grey, however, took exception to the measure, and the Queen's assent was withheld. Speeches and Public Letters of Hon. Joseph Howe, i. 642.

³ “According to a report presented to me by Major Head, an Assistant Commissioner of Enquiry whom I sent to that colony [Nova Scotia], a sum of £10,000 was, during the last session, appropriated to local improvements; this sum was divided into 830 portions, and as many Commissioners were appointed to expend it, giving, on an average, a Commissioner for rather more than every £12, with a salary of 5s. a day, and a further remuneration of two and a half per cent. on the money expended, to be deducted out of each share.” Lord Durham's Report, p. 29. This demoralizing and wasteful system lasted until very recently in Nova Scotia.

annually nominated such number of town officers as the Justices should direct, and out of them the latter made the appointments. The Grand Jury had also the power to raise money for certain public purposes within a particular division. Of their own knowledge, or on the representation of three freeholders, they could make presentments for money for building or repairing jails, court-houses, pounds, or for other necessary local purposes. In the event of their neglecting to act, in certain cases the Justices in Sessions could amerce the county. The officers appointed at the Sessions were a County Treasurer and Assessors. The Clerk of the Peace, as in England, was appointed by the Custos, as Chairman of the Sessions; the office of Sheriff was a government appointment. Practically, in Nova Scotia, as in the other provinces, the English county system prevailed.

If we now turn to the province of New Brunswick, we find that a similar system existed until very recently. This province originally formed part of the extensive and ill-defined territory known in French times as "Acadie." For some years it was governed by the Governor and Council of Nova Scotia, until the settlement of a large number of Loyalists on the banks of the St. John River brought about a change in its political constitution. Then the Imperial authorities thought it expedient to create a separate province, with a government consisting, in the first instance, of a Governor and Council of twelve members, exercising both executive and legislative powers, and, eventually, of an assembly of twenty-six members.

On the 17th of May, 1785, a charter was granted by Governor Carleton for the incorporation of Parr Town, on the east side of the St. John River, and of Carleton, on the west side, as a city under the name of St. John.¹ The inhabitants

¹ "The Governor of Nova Scotia—which then included New Brunswick—at the time of the arrival of the Loyalists, was John Parr, Esq., and St. John was at first named *Parr Town*, after that gentleman." Jack's Prize Essay on the History of St. John, p. 65.

were given a Mayor, Recorder, six Alderman and six assistants, and the city was divided into six wards.¹ St. John, consequently, was the first city incorporated in British North America, and it remained so for many years, as Halifax and other towns were refused the same privileges for a long while.

In 1786 the Governor, Council and Assembly passed an act "providing that the Justices of the General Sessions of the Peace for the several counties of the province should annually appoint, out of every town or parish in the same, Overseers, Clerk, Constables, Clerks of Markets, Assessors, Surveyors, Weighers of Hay, Fence Viewers. It will be seen from this and other acts that the divisions for local purposes consisted of counties, townships and parishes. In 1786, an act was passed for the better ascertaining and confirming of the boundaries of the several counties² within the province, and for subdividing them into towns or parishes "for the more convenient and orderly distribution of the respective inhabitants, to enable them, in their respective districts, to fulfil the several duties incumbent on them, and for the better administration of justice therein."

Town and *parish* appear to have been always synonymous terms in this province. In the interpretation clause of a recent act, "parish" is defined as "*parish*, incorporated town or city."³ This designation of one of the civil divisions of New Brunswick is, no doubt, so much evidence of the desire of the early settlers, many of whom were from Virginia and Maryland,⁴ to introduce the institutions of their old homes.

¹ Murdoch, iii. 42.

² "The names of the original eight counties into which New Brunswick was divided, are: Saint John, Westmoreland, York, Charlotte, Northumberland, King's, Queen's, and Sunbury. These counties were confirmed by law February 10th, 1786." Jack's Prize Essay, p. 74.

³ N. B. Cons. Stat., c. 100, s. i.

⁴ Among the members of the first Council of New Brunswick, 1784, were Chief Justice Ludlow, formerly a Judge of the Supreme Court of New York; Judge Israel Allen, of Pennsylvania; Gabriel G. Ludlow, of Maryland; Judge John Saunders, of Virginia. Not a few Virginia Loyalists settled in New Brunswick. Murdoch, iii. 42.

In all of the British colonies, indeed, the town system had long been in use. In the first instance, the colonists introduced the local institutions of the parent State, with such modifications as were suitable to the conditions of their existence. But the "parish" of the colonies, as a rule, bore little resemblance to the historic "parish" of England. The latter was simply the old township of the Saxons in an ecclesiastical form: "The district assigned to a church or priest; to whom its ecclesiastical dues and generally also its tithes are paid. The boundaries of the parish and the township or townships with which it coincides, are generally the same; in small parishes the idea and even name of township is frequently, at the present day, sunk in that of the parish; and all the business that is not manorial is despatched in vestry meetings, which are however primarily meetings of the township for church purposes."¹

Throughout New England the township was the political unit. It is true that the religious convictions of the people dominated in all their arrangements for the administration of civil affairs. An eminent authority has said of the people of Massachusetts: "They founded a civil state upon a basis which should support the worship of God according to their conscientious convictions of duty; and an ecclesiastical state combined with it, which should sustain and be in harmony with the civil government, excluding what was antagonistic to the welfare of either."² In England the parish was invested with civil functions, and the old Saxon township became gradually absorbed in the former. But in New England the parish and township had really distinct meanings. Whenever the word "parish" was there used, it was to denote the township from an ecclesiastical point of view, as well as a portion of the township not possessing town rights. Consequently the "parish of Massachusetts" was essentially a term used for religious

¹ Stubbs, *Const. Hist.* i. 85.

² Parker's *Lowell Institute Lectures*, p. 403.

purposes, and had no reference to civil matters which were all discharged in the township or political unit of the community.¹ In Virginia, however, the parish attained considerable prominence in the administration of local affairs. The early settlers of the old Dominion were men wedded to the ancient institutions of the parent State, and they set up the system long established in England, with such changes as were adapted to the circumstances of the country. Parishes were originally coterminous with the old plantations or with the counties, and covered immense areas. In the course of time, when the country became more settled, counties were laid out and divided into parishes. Some of these parishes sent representatives to the House of Burgesses in early times of the colony, and they were always important local units in the civil organization of the country. It does not, however, appear that they ever possessed powers entirely equal to those enjoyed in the parent State.² No doubt the Loyalists who settled in New Brunswick and other sections of British North America were so accustomed to this division that they naturally introduced it when they came to organize the new province. We have already seen, in our sketch of local government in Upper Canada, that there was an effort made to establish parishes in that section. It is only in New Brunswick, however, that the name has become permanently inscribed on the civil organization of the country. I do not of course refer in this connection to French Canada, where the division was constituted purely for ecclesiastical purposes, and had no relation to the English parish which is the descendant of the township of early English times—itself developed from the mark communities of the Teutonic tribes.³

¹ The English Parish in America; Local Institutions in Virginia, by E. Ingle, Johns Hopkins University Studies, vol. iii. 154.

² Johns Hopkins University Studies, vol. iii. 154, 155.

³ "Primarily the parish is merely the old township in its ecclesiastical aspect. We can, therefore, trace the descent of the modern civil parish through the ecclesiastical parish, up to the old Saxon township. It may

The Island of Prince Edward, originally known as St. John's, formed part of the province of Nova Scotia until 1769, when it was created a separate province, with a Lieutenant-Governor, a combined Executive and Legislative Council, and in 1773 a Legislative Assembly of eighteen members.¹ The history of this island is interesting from the fact that it gives an instance of a land system which kept the province in a state of agitation for many years, until it was finally settled soon after the union with the Dominion. The island was surveyed by Captain Holland in 1765, and in 1767 divided into sixty-seven townships, containing in the aggregate 1,360,600 acres.² This extensive tract was conveyed by ballot, with some reservations, to officers and other individuals who had claims or supposed claims on the Crown, and a landed monopoly was in this way established in the island. The grantees were to settle in the province or establish a certain number of settlers within ten years, but these proper conditions were practically laid aside and an absentee ownership allowed to grow up, to the great injury of the tenants who farmed the lands. In those days the Crown availed itself lavishly of its prerogatives with very little regard to future settlement on the public lands of the country over which it exercised dominion. Previous to the arrangement

be safely said that the English parish is the legitimate descendant of the Teutonic mark, and that the English parish, the New England township, the French or Belgian commune, and the village community of Northern India, are but variations of one common type which reproduces itself wherever the Aryan race is found. Whether the Teutonic mark system was ever introduced into England by our Saxon forefathers is an open question, but the Saxon township owed many of its distinguishing characteristics to the mark system. The township was so called from the *tun* or hedge which surrounded the group of homesteads." Chalmers' *Local Government in England*, p. 36.

¹ Bourinot, p. 69. See also copy of commission of the first Lieutenant-Governor, Captain W. Paterson. *Canada Sessional Papers*, 1883, No. 70, p. 2.

² Campbell's *History*, pp. 3, 19. *Colonial Office List*, 1885, p. 38.

just mentioned, a British nobleman had applied to the King for a grant of the whole island. His proposition was to divide it into hundreds¹ as in England, or baronies as in Ireland. These hundreds or baronies were to be divided into manors over which would preside a Court Baron, in accordance with the old English system. Townships were to be carved out of hundreds; Courts Leet and Courts Baron were also to be established under the direction of the lord paramount. A local historian has clearly epitomized the whole proposition as follows: "There was to be a lord paramount of the whole island, forty capital lords of forty hundreds, four hundred lords of manors, and eight hundred freeholders. For assurance of the said tenures, eight hundred thousand acres were to be set apart for establishments for trade and commerce in the most suitable parts of the island, including one county town, forty market towns, and four hundred villages." Each hundred or barony was to consist of somewhat less than eight square miles, and the lord of each was bound to erect and maintain forever a castle or blockhouse as the capital seat of his property, and as a place of retreat and rendezvous for the settlers; and thus, on any alarm of sudden danger, every inhabitant might have a place of security within four miles of his habitation. A cannon

¹ It does not appear that "hundreds" were ever established in Canada. The union of a number of townships for the purpose of judicial administration, peace and defence, formed what is known as the *hundred* or *wapentake*, in Anglo-Saxon times. "It is very probable," writes Stubbs (i. 96, 97) "that the colonists of Britain arranged themselves in hundreds of warriors; it is not probable that the country was carved into equal districts. The only conclusion that seems reasonable is that, under the name of geographical hundreds, we have the variously sized *pagi* or districts in which the hundred warriors settled." The first civil divisions of the infant settlement of Maryland were called "hundreds," and the election district of "Bay Hundred" on the eastern shore of the State, is a memorial of those old times. *Local Institutions of Maryland*, by L. W. Wilhelm, p. 39. A similar division was also known in the early history of Virginia. Ingle, pp. 40-47.

fired at one of the castles would be heard at the next, and thus the firing would proceed in regular order from castle to castle, and be "the means," adds the noble memorialist, "of putting every inhabitant of the whole island under arms and in motion in the space of one quarter of an hour."¹

But this proposition was not entertained by the King, who had had some experience of a similar plan which failed in Carolina.² The division, however, of the whole island, among a few proprietors, appears to have had consequences probably fully as disastrous as would have been the concession to a single nobleman, who might have taken a deep interest in its settlement, as was notably done by Lord Baltimore in Maryland.

The island was originally laid out in counties,³ parishes, and townships. The county lines appear to have been run from north to south across the island at two of its widest parts. Where the boundaries of townships or parishes touch the county lines, they are coterminous therewith. The same is true of the township and parish lines. The average area of the townships is 20,000 acres, though number 66, the last regular township surveyed, contains only 6,000, and number 67, an irregular block in the centre of the island, is somewhat larger than the average.

Each parish includes from three to six townships. In addition to the territorial divisions before mentioned, there was laid out in each county, at the time of the original survey,

¹ Campbell's History, ch. i. p. 11.

² Shaftesbury and Locke attempted to frame a constitution for Carolina, which would "connect political power with hereditary wealth." Bancroft's History of the United States, ii. 146.

³ "In 1768 the Island was divided into three counties:—(1.) King's, containing 20 townships, 412,100 acres; county town, Georgetown, 4,000 acres (Les Trois Rivières). (2.) Queen's, 23 townships, 486,600 acres; county town, Charlottetown, 7,300 acres (Port la Joie). (3.) Prince County, 23 townships, 467,000 acres; county town, Princetown, 4,000 acres (Malpeque)." Murdoch's History, ii. 474. The names in parentheses are those of the old French settlements.

a site for a *chef lieu*, or county town. For Queen's County, a town plot was laid out on the site of the present city of Charlottetown, at the head of Hillsboro' Bay, where the North-West and Hillsboro' Rivers unite. The town of King's County was laid out at Georgetown, on the south-east coast, on Cardigan Bay, and, for Prince County, a town site was surveyed on the east side of Richmond or Malpeque Bay, near its mouth. To each of these town sites there were attached distinct areas of land called "commons"¹ and "royalties,"² which covered about 6,000 acres each, and were not included in any of the townships. Instead of being reserved for their original purpose, the common and royalty attached to each town site were subsequently sold by the Crown as farm lands, and are now occupied and cultivated as such, though the city of Charlottetown extends beyond the old town site, and covers a portion of the common. The county town of Prince County was not established at Princetown, but at a point on the shores of Bedeque Bay, on the south coast, now called "Summerside."

As we have just seen, there was an attempt made in Prince Edward Island to establish parishes as in other parts of the old colonies, but, in the course of time, these local divisions became practically useless, and are seldom mentioned now, except in legal proceedings connected with old land titles. It is only in Prince Edward Island, I may add, that we come across the term "royalties" as reservations of the crown, in

¹ These common lands were a memorial of Anglo-Saxon times. "The pleasant green commons or squares which occur in the midst of towns and cities in England and the United States most probably originated from the coalescence of adjacent mark-communities, whereby the border-land used in common by all was brought into the centre of the new aggregate. . . . In old towns of New England. . . . the little park. . . . was once the common pasture of the town."—Fiske's *American Political Ideas*, pp. 39, 40.

² "In its primary and natural sense 'royalties' is merely the English translation or equivalent of *regalitates*, *jura regalia*, *jura regia*." See an interesting definition of the term given by the Judicial Committee of the Privy Council, *Legal News* (Montreal), vi. 244; and Bourinot, p. 690.

the vicinity of the old settlements. In the other provinces, however, provision was made for the establishment of commons,¹ though, in the course of time, they, too, in the majority of cases, were leased for private purposes and ceased to become available for the general use of the community. The Legislature of Nova Scotia, for instance, passed an act in 1816 to lease twenty-five acres of the Halifax common, in half acre lots, for 999 years.²

In this island, the several divisions to which we have referred appear to have been established chiefly for representative and judicial purposes. No system of local government ever existed in the counties and parishes, as in other parts of America. The Legislature has been always a municipal council for the whole island.

VI.—THE ESTABLISHMENT OF MUNICIPAL INSTITUTIONS IN THE PROVINCES OF THE DOMINION.

We have now brought this review of local government up to the time when a new era in the history of political institutions commenced in all the provinces of British North America. The troubles which culminated in the Rebellion of 1837-8 led to the reunion of the Canadas and the concession of a more liberal system of government to the people. The British authorities recognized the necessity of leaving the people free to control their own internal affairs, and of giving up that system of paternal government which had worked so unsatisfactorily. Between 1840 and 1854 all the provinces were granted responsible government in the real sense of the term, and entered almost immediately on a career of political and national progress which was in remarkable contrast with the condition of things previous to 1840. The legislation of the province was distinguished by greater vigor as soon as the

¹ Nova Scotia Archives, Aikens, p. 700.

² Murdoch, iii. 415.

people obtained full control of their own taxation and revenue. The result was the improvement of the communications of the country and the passage of measures in the direction of increasing the responsibilities of the people in the management of their local affairs.

In the speech with which Lord Sydenham, then Governor-General, opened the Legislature of 1841, he called attention to the fact that it was "highly desirable that the principles of local self-government, which already prevail to some extent throughout that part of the province which was formerly Upper Canada, should receive a more extended application and that the people should exercise a greater control over their own local affairs."¹ It had been proposed to make such a system a part of the Constitution of 1840;² but the clauses on the subject were struck out of the bill during its passage in the House of Commons on the ground that such a purely local matter should be left to the Legislature of the province.³ The Legislature went energetically to work to provide for the

¹ Assembly Journals, 1841, p. 8.

² "The establishment of a good system of municipal institutions throughout these provinces is a matter of vital importance. A general legislature, which manages the private business of every parish, in addition to the common business of the county, wields a power which no single body, however popular in its constitution, ought to have—a power which must be destructive of any constitutional balance. The true principle of limiting popular power is that apportionment of it in many different depositories, which has been adopted in all the most free and stable States of the Union. Instead of confiding the whole collection and distribution of all the revenues raised in any county for all general and local purposes to a single representative body, the power of local assessment, and the application of the funds arising from it, should be intrusted to local management. It is in vain to expect that this sacrifice of power will be voluntarily made by any representative body. The establishment of municipal institutions for the whole country should be made a part of every colonial constitution, and the prerogative of the Crown should be constantly interposed to check any encroachment on the functions of the local bodies, until the people should become alive, as most assuredly they almost immediately would be, to the necessity of protecting their local privileges." Lord Durham's Report, p. 92.

³ Christie, v. 356.

internal government of the upper province. Some difficulties arose in dealing with this question on account of the position taken by Lower Canada. During the suspension of the Constitution in French Canada, an ordinance had been passed by the Special Council "to provide for the better internal government of this province by the establishment of local or municipal institutions therein." The province was divided into twenty-two districts, comprising certain seigniories, townships, and parishes. The Governor and Council fixed and determined the number of Councillors who were elected for every district. The warden was appointed by the Governor-General, and his duties were regulated by instructions from the same high functionary. The meetings of householders, at which the parish or township officers as well as the district Councillors were elected and other business was transacted, were convened on the authorization of the warden by one of the Justices of the Peace for the district. The Governor had the power to dissolve a district Council under extraordinary circumstances. Instructions were issued by the Governor and Council to the chairmen of parish or township meetings, assessors, collectors, surveyors of highways and bridges, overseers of the poor, and other local officers.¹

Consequently, the system in operation in Lower Canada was entirely controlled by the government. It was the desire of the Upper Canadians, who had been gradually educated for more popular local institutions, to elect the warden and other officers. The measure which was presented in 1841, by Mr. Harrison, provincial secretary of the upper province, provided that the inhabitants of each district should be a body corporate within the limits prescribed by the Act, and provision was made for the formation of municipal councils, to consist of a warden and a fixed number of councillors in each district. Power was given to these councils to assess and collect from the inhabitants such moneys as might be necessary

¹ Canada Sessional Papers, 1841, App. X.

for local purposes, and generally to adopt measures for the good government of the respective districts represented in these local bodies. The Upper Canadians naturally wished to elect their own Warden, but it was argued that it was inexpedient to concede to one province privileges not given to the other. The French members in the legislature were not only opposed to the measure passed by the special council, but believed that, if they sanctioned the passage of a liberal measure in Upper Canada, it would be followed by similar legislation for Lower Canada. The most influential men in that province were opposed at that time to any system that might impose local direct taxation on the people.¹

Imperfect as was the Act of 1841, it was the commencement of a new era in municipal government in Canada. In the course of a few years the Act was amended, and the people at last obtained full control of the election of their own municipal officers. Statutes passed from time to time swept away those numerous corporate bodies which had been established by the legislature of the old province, and provided by one general law "for the erection of municipal corporations and the establishment of police regulations in and for the several counties, cities, towns, townships and villages in Upper Canada."² Lower Canada was also brought into the general system, according as the people began to comprehend the advantages of controlling their local affairs. The ordinance of the special council was repealed in 1845 by an Act, which provided that every township or parish should constitute a municipal corporation, represented by a council elected by the people, and presided over by a President or Mayor, also elective.³ This parish organization seemed peculiarly well adapted to the habits of the people of French Canada, where the parish is connected with their dearest and most interesting associations; but for

¹ Dent's *Canada since the Union of 1841*, i. 146.

² *Con. Stat.* 12 Vict. c. 80, and 12 Vict. c. 81.

³ *Turcotte, Canada sous l'Union*, ii. 24.

some reason or other it was soon changed to a county government, which lasted for a number of years.¹ Without, however, dwelling on the numerous acts which occupied considerable time in the legislature for years with the object of maturing and perfecting a general municipal system acceptable to the people and commensurate with their progress in self-government, it is sufficient to say that some time before 1867, when the provinces were confederated, Upper and Lower Canada enjoyed at last local institutions resting on an essentially popular basis, and giving every possible facility for carrying out desirable public improvements in the municipal divisions. The tendency of legislation indeed for years took a dangerous direction. Acts were passed, in 1853 and subsequent years, enabling the municipalities to borrow money for the construction of railways on the guarantee of the province.² The result was much extravagance in the public expenditures and the increase of local taxation in many municipalities of Canada, which hampered the people for many years, notwithstanding the benefits derived from the construction of important public works, until the government was forced to come to their assistance and relieve them of the burdens they had imposed upon themselves.

At the present time, all the provinces of the Dominion of Canada enjoy a system of local self-government which enables the people in every local division, whether it be a village, town, township, parish, city, or county, to manage their own internal affairs in accordance with the liberal provisions of the various statutory enactments which are the result of the wisdom of the various legislatures of the different provinces within half a century. It is in the great province of Ontario that we find the system in its complete form. While this system

¹ In 1855 Mr. Drummond, then attorney-general, brought in a bill restoring the parish municipality, while preserving the county organization. Turcotte, ii. 260.

² Turcotte, ii. 202. See Consol. Stat. 22 Vict. c. 83.

is quite symmetrical in its arrangement, it is also thoroughly practical, and rests upon the free action of the ratepayers in each municipality. The whole organization comprises:—

(1.) The minor municipal corporations, consisting of townships, being rural districts of an area of eight or ten square miles, with a population of from 3000 to 6000.

(2.) Villages with a population of over 750.

(3.) Towns with a population of over 2,000. Such of these as are comprised within a larger district termed a "county," constitute

(4.) The county municipality, which is under the government of a council composed of the heads of the different minor municipal divisions in such counties as have already been constituted in the province.

(5.) Cities are established from the growth of towns when their population exceeds 15,000,¹ and their municipal jurisdiction is akin to that of counties and towns combined. The functions of each municipality are commensurate with their respective localities.²

The Council of every county consists of the Reeves and Deputy Reeves of the townships and villages within the county, and one of the Reeves or Deputy Reeves shall be the Warden. The Council of every city consists of the Mayor, and three Aldermen for every ward. The Council of every town consists of the Mayor and of three Councillors for every ward where there are less than five wards, and of two for each ward where there are five or more wards. The Council of every incorporated village and of every township consists of one Reeve (who presides) and of four Councillors. The

¹ As a matter of fact, while the general law provides as above, for many years past it has been the practice for towns in Ontario, when they have a population of ten thousand souls, to obtain a special act of incorporation as a city. See case of City of St. Thomas, Ont., Stat. 44 Vict., c. 46. Also, City of Guelph, 1879.

² Canadian Economics; Montreal Meeting of the British Association, 1884, p. 317.

persons elected must be natural-born or naturalized subjects of the Queen, reside within the municipality, and be possessed of a certain legal or equitable freehold or leasehold varying from \$400 in townships to \$1,500 in cities for freehold, and from \$800 to \$3,000 for leasehold. The electors must be ratepayers in the municipality. Widows and unmarried women who are in their own right rated for a property or income qualification sufficient to qualify male voters can now vote at municipal elections in this province. Every election must be held in the municipality to which the same relates. The election is by ballot, and complete provision is made for the trial of controverted elections and the prevention of corrupt practices. The municipal officers comprise a Warden, Mayor or Reeve, Clerk, Treasurer, Assessors, Collectors, Auditors, Valuers. The Mayors, Reeves, Aldermen and Councillors are elected by the taxpayers, but the Warden and all the other municipal officers are appointed by the Councils. The powers of these bodies are exercised by by-law,¹ when not otherwise authorized or provided for. Certain by-laws require the assent of the ratepayers. The Councils have the power to pass such laws creating debts and levying rates under certain restrictions set forth in the statute: for the purchase of property; for the appointment of municipal officers; for the aid of agricultural and other societies, manufacturing establishments, road companies, indigent persons and charities; for taking a census; with respect to drainage, the purchase of wet lands, the planting of ornamental trees, driving on roads and bridges, the seizure of bread or other articles of light weight, or short measurement; for the security of wharves and docks and the regulation of harbors; for the laying out and the improvement of cemeteries, the prevention

¹ This legal term is an historic link that binds our municipal system to the old English township. In the shires of England where the Danes acquired a firm foothold the township was often called "by"; it had the power of enacting its own "by-laws," or town laws, as municipal corporations have generally to-day."—Fiske's *American Political Ideas*, p. 46.

of cruelty to animals; for the purchase of property required for the erection of public schools thereon; and providing for the establishment and support of public schools according to law; for the regulation of fences; for the preservation of the public peace and morals; for the licensing of ferries; for the establishment of markets; fire companies, sewerage and drainage; for the aid of railways, by taking stock or granting a loan or bonus to the same.¹ These municipal bodies can be restrained in Ontario, as in other provinces, by the superior Courts when their by-laws are in excess of their powers. The Courts may also compel them to exercise their power in proper cases. The provincial Legislature grants the municipal authorities certain powers, and at the same time commits the proper exercise of those powers to the controlling care of the Courts.²

The Council of every municipal district in Ontario has now the power to make such material improvements as are necessary for the convenience and comfort of the people; but, more than that, the whole municipal organization has been satisfactorily adapted to the requirements of a national system of education.³ On the enterprise and liberality of the municipalities depends the efficiency of the educational system of the province. The wealthy communities are able to erect school-houses, which are so many evidences of their deep interest in public education and of the progress of architectural taste in

¹ Revised Statutes of Ontario, c. 174.

² O'Sullivan's Manual of Government, p. 191.

³ The Reverend Dr. Ryerson, who devoted his life to founding and developing the Ontario system of Public Instruction, said years ago on this point: "By their constitution, the municipal and school corporations are reflections of the sentiments and feelings of the people within their respective circles of jurisdiction, and their powers are adequate to meet all the economic exigencies of such municipality, whether of schools or roads, of the diffusion of knowledge, or the development of wealth." See a valuable account of the working of the system in one of the official publications of the Ontario Government: "Educational System of Ontario." Edited by Dr. Hodgins, Deputy Minister of Education.

the country. The Legislature has also given power to any incorporated city, town or village to establish free libraries whenever a majority of the taxpayers express themselves in favor of such institutions.¹ In Ontario, as a rule, municipalities have taken advantage of the admirable opportunities which the law gives them of promoting the welfare and happiness of all classes, which are so intimately connected with the education and culture of the people. The city of Toronto, indeed, immediately availed itself of the law providing for free libraries, and has set an example which it is to be hoped will be followed by other communities in Canada. The free library, to quote from an eloquent speech delivered not long since in the city of Birmingham, "is the first fruit of a clear understanding that a great town exists to discharge the same duties to the people of that town which a nation exists to discharge towards the people of that nation."²

In all the other provinces the municipal system, if not quite so symmetrical as that of Ontario, is based on the same principles. In the province of Quebec the municipal divisions consist of villages, towns, parishes, or townships and counties. The parish is necessarily recognized in the general law provided for the municipal organization of the

¹ Ont. Stat., 45 Vict. c. 22.

² A very intelligent writer in the *Nineteenth Century* (August, 1886) gives us an interesting sketch of the remarkable civic development of the great Midland capital. "From main drains to free libraries, from coal gas to the antique, whatever concerns the physical and mental well-being of her children, that is the business, the official business, of this renowned city of the Caucus. . . . That the city cares as much for the culture of her people as for the sweeping of her streets is the boast of every Birmingham man, from the Chief Magistrate to the humblest master-craftsman bending over his 'factored' work in his own garret. And lastly, in order that the community might have the freest possible scope for its energies, there came into force in 1884 the Consolidation Act, one of the chief effects of which was the removal of the limit of the public rate for libraries, museums, galleries, and the Art School; and, in a word, the extension of borrowing powers indefinitely." It would be well for Canadians and Americans generally to study the recent history of this enterprising English city.

province. When a canonical parish has been once formed by the proper ecclesiastical authority,¹ it may at any time be erected into a municipality by civil authority. Although the law makes a general provision for the civil erection of a parish, it is also frequently found expedient to avoid the expense of the necessary proceedings by obtaining special powers from the Legislature for erecting and confirming a parish for all civil purposes.² The County Council is composed of the Mayors of the several local municipalities of the county in which those officials have been elected. The Councillors elect one of their number to be Mayor of the local municipality, while the Warden is chosen by the County Council. The principal officers are the Secretary-Treasurer, who receives and pays out taxes and other moneys in accordance with law, Auditors, Inspectors of Roads and Bridges, Pound-Keepers, and Valuers. The cities and towns of the province are, however, incorporated by special Acts, and their Mayors as well as Councils are elected by the people.

In the provinces of New Brunswick and Nova Scotia, the people were more laggard in adopting a municipal system than in Upper Canada. Nova Scotia had for years a permissive Act on its statute-book, by which any county might be incorporated when the people made formal application to the Governor-in-Council in the manner provided. It was not, however, until 1879 that an Act³ was passed providing for the incorporation of the whole province. The County Councils now consist of a Warden and Councillors. The Council elect a Warden from among themselves, a Clerk, Treasurer, Auditors, Assessors, Pound-Keepers and Overseers of Highways. All the powers and authorities previously vested in the Grand Jury and sessions, in special sessions, or in Justices of the Peace, to make by-laws, impose rates or

¹ See *supra*, p. 28 note.

² For example, Quebec Stat., 45 Vict. c. 41.

³ Nova Scotia Stat., 42 Vict. c. i.

assessments, and appoint township or county officers, are now exercised by the various municipal Councils in the province. The money annually voted for road and bridge service is now appropriated by the Councils of the municipalities under the inspection of supervisors or commissioners.¹ Cities and towns are incorporated by special Acts, and the Mayors and Wardens are elected by the inhabitants duly qualified by law.² In New Brunswick a similar municipal system has been for years in operation.³

The little province of Prince Edward Island, however, has never established a complete municipal system; the Legislature is practically the governing body in all matters of local improvement. It passes acts establishing and regulating markets, and making provision for the relief of the poor, for court houses, jails, salaries, fire department, ferries, roads and bridges, and various other services which, in the more advanced provinces, are under the control of local corporations. Every session the House resolves itself into a committee of the whole, to consider all matters relating to the public roads, and to pass resolutions appropriating moneys for this purpose, in conformity with a certain scale arranged for the different townships.⁴ Charlottetown and Summerside have special acts of incorporation. Provision, however, was made some years ago for the establishment of certain municipal authorities in towns and villages of the island. Wardens may be elected by the ratepayers of a town or village, to perform certain municipal duties of a very limited character.⁵

- N. S. Stat., 44 Vict. c. i., and by 45 Vict. c. i. and 46 Vict. c. i.

² See Act incorporating town of Sydney, 48 Vict. c. 87. It is not easy to understand why the municipal heads of towns in this province should be called "wardens." A distinction should certainly be made between the warden of the county and the heads of the other municipalities. It is confusing, to say the least.

³ Revised Statutes of New Brunswick, c. 99.

⁴ Assembly Journals, 1884, p. 222.

⁵ P. E. I. Stat., 33 Vict. c. 20.

In British Columbia, Manitoba, and the Northwest Territories very liberal provision exists for the establishment of municipal corporations on the basis of those that exist in Ontario.¹

VII.—CONCLUSION.

I have attempted in the preceding pages to trace, step by step, the various stages in the development of that system of local self-government which lies at the foundation of the political institutions of the provinces of the Dominion. We have seen that progress in this direction was very slow until the people increased in wealth and political knowledge, and were granted a larger measure of liberty in the administration of provincial affairs. We look in vain during the days of the French Régime for anything approaching those free institutions which are the natural heritage of an Anglo-Saxon people. Under the invigorating inspiration of those political representative institutions, which followed the supremacy of England in Canada, the French Canadians, like all other classes of the population, learned, at last, to appreciate the advantages of being permitted to manage their own local affairs. It is noteworthy, however, that we do not find anything approaching the town system of New England during the early times of British North America. Those primary Assemblies of Massachusetts, which were so many representatives of the folkmoot of early English times,² were never reproduced among the people that settled the provinces. Indeed, the conditions under which those countries were peopled were antagonistic to the establishment of the town organizations of New

¹ See Brit. Col. Stat., c. 129; Man. Stat., 46 and 47 Vict. c. 1; Ordinances of N. W. T., No. 2, 1885. In the Northwest Territory, the heads of the Councils, outside of cities and towns, are designated "chairmen." Elsewhere these officers are known as "mayors." In Manitoba, the old titles of "reeve" and "mayor" are preserved in the municipalities.

² "A New England town meeting is essentially the same thing as the folk-mote." E. A. Freeman, *American Institutional History*, p. 16.

England. The British government, after its experience of the old Thirteen Colonies, decided to guide the affairs of their remaining possessions with the hand of a gentle despotism, and did not permit the formation of institutions which might weaken the allegiance of the people to the Crown. It was, however, a mistaken idea, as it was clearly pointed out in Lord Durham's Report, to have discouraged the establishment, at an early period, of a municipal system in Canada, which would have educated the people in self-government, and made them more capable of grappling with the difficulties of the representative institutions granted them in 1791. However, the genius of an English race for managing their own affairs rose superior to the influence of a paternal government many thousand miles distant, and won, at last, for the people of Canada, a complete municipal system, which may well be the envy of the British people, who are now endeavoring to extricate themselves from the chaos of local laws, which make local government in the parent state so unintelligible to the ordinary citizen.¹ All sections and peoples of the Dominion are equally favored in this respect. Throwing aside the traditions of a race unfamiliar in early times with the institutions of the Teutonic peoples, the French Canadians have also been brought to a large extent into the van of municipal progress, and enabled to promote many measures of local necessity, which, otherwise, they could not have accomplished.

¹ "English local government can only be called a system on the *lucus à non lucendo* principle. There is neither coördination nor subordination among the numerical authorities which regulate our local affairs. Each authority appears to be unacquainted with the existence, or, at least, with the work of the others. 'There is no labyrinth so intricate,' says Mr. Goschen, 'as the chaos of our local laws.' Local government in this country may be fitly described as consisting of a chaos of areas, a chaos of authorities, and a chaos of rates." Chalmers' *Local Government in England*, p. 15. No wonder then that English statesmen have at last awoke to the necessity of grappling with a problem which Canada herself has in a great measure solved.

In a paper of a strictly historic scope, it would be out of place to dwell at any length on the merits and demerits of the institutions which now prevail throughout the Dominion. It is only necessary to say that we should not conceal from ourselves the fact that there is always danger in a system which hands practically to the few the control of the affairs of the many—which, in a measure, encourages the tendency of the majority to shift responsibility on to others, and, consequently, gives constant opportunities to the corrupt and unscrupulous demagogue to manage the municipal affairs of a community in a manner most detrimental to the public interests. Indifference to municipal affairs on the part of those who should have the greatest stake in their careful, economical management, is an ever present peril under a system like ours. The abstention of the educated and wealthy classes from participation in local affairs, is a growing evil which, in some communities in the United States, has led to gross extravagance, corruption and mismanagement. No doubt, if it were possible to resort to the folkmoot of the old times of our ancestors, or to their best modern exemplar, the township meetings of New England, and permit the people to assemble and consult together on their local affairs, a public advantage would be gained; but, unfortunately, such assemblages seem only possible in primitive times, when population is sparsely diffused, and large cities and towns are the exception.¹ The rapid increase

¹ Since the remarks in the text were penned, I have had an opportunity of reading a paper on the Town and City Government of New Haven by C. H. Levermore, Ph. D., in which the impracticability of the old town system of New England under modern conditions is clearly proved. In New Haven, there is a dual system of town and city government. The annual town-meeting, the ancient general court for the town (the folkmoot of all the voters resident in the Republic of New Haven), is still periodically held for the election of town's officers, authorizing and estimating expenditures, and determining the annual town tax for 75,000 people. The author cited says (p. 69):—"This most venerable institution in the community appears to-day in the guise of a gathering of a few citizens, who do the work of as many thousands. Only a few understand the sub-

of population, and the numerous demands of our complex civilization, have forced on us a municipal system which must be representative in its character—which must entrust to a chosen few the management of the affairs of the whole community. The dangers of the system are obvious to all, and should be carefully borne in mind by the intelligent and sagacious leaders and thinkers of every community. Happily, as the peril is apparent, so the remedy is always open to the majority. The security of our local institutions rests on the vigilance of an outspoken press, on the watchfulness of the superior legislative bodies, and on the frequency of elections, during which the people have abundant opportunity of criticising and investigating the administration of municipal affairs. On the whole, then, it would be difficult to devise and mature a system better calculated to develop a spirit of self-reliance and enterprise in a community, or to educate the people in the administration of public affairs. It is not too much to say that the municipal bodies of this country are so many schools where men may gain a valuable experience, which will make them more useful, should they at any time win a place in that larger field of action which the Legislature offers to the ambitious Canadian.

jects which are under discussion. But citizens of all parties and of all grades of respectability ignore the town-meeting and school-meeting alike. Not one-seventieth part of the citizens of the town has attended an annual town-meeting; they hardly know when it is held." The proposal to abolish this dual system where it exist in New England, and substitute a simple administration, is now familiar to every one. The old system, in fact, has outlived its usefulness.

APPENDIX.

SUCCESS OF THE MUNICIPAL SYSTEM OF ONTARIO.

The author has had permission to make the following extracts from an interesting letter received by him from the Honorable J. R. Gowan, LL. D., of Barrie, Ontario, who was for over forty years actively engaged in the judicial office, and who, in the course of his useful career, had very much to do with perfecting the flexible system of local government which the province now enjoys:

“I have been familiar with our modern municipal system since it was instituted, and with the exception of the first statute passed in 1841 had something to do with the preparation or criticism of nearly every amending Act up to the time of Mr. John Sandfield Macdonald’s administration.

“I was rather opposed to the measure of decentralization—the establishment of Township Councils which did not work at all well at first. Many of the men selected for some time thereafter had neither the education nor the experience to enable them to work advantageously under the law, and as respects County Councils, though the number of members was large, their proceedings were in effect shaped and directed by a very few leading men. All that is changed, and the new generation are, for the most part, trained very fairly in the work of deliberative bodies; first, as school trustees, then in the Town and Township Councils. Above all other things, our excellent school system has diffused the benefits of a sound education and given the new men enlarged views. Without these advantages the municipal institutions of Ontario, with their large powers and the indisposition of men of means to take part in them, would have been ere this a curse to the country. The County Councils are now practically schools in which men are graduated in procedure and debate, and taught something of the art of self-government. It is largely from these bodies that aspirants for the House of Commons and Legislative Assembly come. I can remember that in my own county some eight men of this class have, in the course of years, presented themselves for the former body, and of these five were elected,

and that nine men have been returned out of twelve candidates who offered for the local Legislature.

"I take some credit to myself for an effort from the first to inspire the body in my own county with a respect for the position. I endeavored to impress on them my views of the advantages of doing things decently and in order—especially the value of well-defined rules of procedure and the importance of a strict adherence to them, and of being governed in matters not fully defined by the usages of Parliament. Even in the matter of externals the County Council of my county has shown a proper spirit, for some forty years ago the Warden assumed gown and cocked hat while in the chair—a usage kept up by all the officials ever since.

"The result of the establishment of local government in Ontario has exceeded my most sanguine expectations. I have on several occasions listened to debates in the County Council conducted with considerable ability and with as much decorum as one finds in the highest deliberative bodies in the country. The County Council sitting at Barrie is the largest body of the kind in Canada, numbering some sixty Reeves and Deputy Reeves; and the proportion of fair debaters is quite up to that of any Legislature I know of. But the number is now too great; that arises from the rapid increase in the population of many municipalities. As good and perhaps better work might be done with half the number. The time is fast approaching when the number must be limited; but it is difficult to settle the proper basis of representation, so marked is the difference in the populations of the several townships and towns. Taking it all in all, however, municipal government in Ontario is a success; there is nothing elsewhere equal to our system. It has its evils; amongst them, the mode of assessment by officers appointed in and acting for each locality. "Log-rolling" is not unusual when the assessment of the county comes to be equalized. But on the whole, I repeat, the system has turned out well on account of the diffusion of education and the general distribution of property, not to speak of the race of British blood who have developed it. These causes, together with annual elections, have been the great safeguards for the due execution of the large powers conferred on the municipal bodies."

To the foregoing testimony, I may add the following passage from an answer by the same high authority to an address presented to him not long since by the Council of the County of Simcoe, where the municipal system has been worked out in its completest form :

"We can now fairly claim that we possess the most perfect system of municipal government enjoyed by any country, and have proved that an intelligent and educated people may be safely entrusted with the management of important matters demanding local administration—matters that would but retard and embarrass the proceedings of the higher legislative bodies, if indeed they were *there* able to secure the attentions they deserved. In many respects our County stands foremost, and having watched its progress from the primitive condition of a 'new settlement,' I am filled with

admiration of the patient industry and intelligent energy that have accomplished so much in a period of forty-one years. You know that at first we had barely passable roadways through the 'woods,' that farming operations were conducted in a very imperfect way, that commerce and manufactures were scarcely in the bud, that the few schools which existed were imperfectly served and ill-regulated, while the municipal system was a recent creation, and moreover that ready submission to the law of the land was *not* universal. Many of you will remember the time when this state of things prevailed, and will know what a contrast presents itself as you now look around you—the whole country accessible by excellent roads, and more than that, netted all over with railroads, agriculture in its various aspects carried on intelligently by an educated farming community, free public schools, with efficient teachers under a uniform system, within easy access of all, the laws everywhere respected and cheerfully obeyed, and last though not least, our municipal system permeating every part with its healthy influences—yes, when you look around you you cannot help feeling that ours is a happy and honorable position, and must bless God every day that your lot is cast in a free country, where there is work for all, and bread for all; where honest labor meets its appropriate reward, and where any deserving man in the community may aspire to the highest place and the largest power for serving his country."

VII

THE EFFECT OF THE WAR OF 1812

UPON THE

Consolidation of the Union

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History—*Freeman*

FIFTH SERIES

VII

The Effect of the War of 1812

UPON THE

CONSOLIDATION OF THE UNION

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THE EFFECT OF THE WAR OF 1812

UPON THE

CONSOLIDATION OF THE UNION.

The two great motive forces in American politics during the first century of the national existence were the questions of state sovereignty and of slavery. The pressure of the first was almost wholly, yet but temporarily, relieved by the second war with Great Britain, and it was reserved for the great civil war of 1861-5 to put an effectual quietus upon both.

The course of the conflict over these questions shows that until the war of 1812 that of state sovereignty, pure and simple, occupied the foremost place in the nation's political activity. From the conclusion of that war period until 1861 the question of slavery, with all its far-reaching collateral issues, asserted its preëminence, and in its disastrous overthrow and complete downfall carried the state sovereignty heresy with it to a common ruin.

The concrete question with which we are to deal at present is the effect of the war of 1812 on the consolidation of the Union. To understand this intelligently we must acquaint ourselves with the positions taken in reference to the state-sovereignty dispute down to the time when war was declared, and with the condition of the Union at that time in respect to real unity. We must examine the political character and motives of the war itself and discover the status of the

national unity in the years immediately succeeding the war. When all this is done we shall be entitled to pronounce upon the effect of the war of 1812 on the consolidation of the Union.

It is probable that in the light of historical fact, and the full discussion which the question has since received, culminating in the irrevocable verdict of a terrible civil war, no one will care to deny that the Declaration of Independence of July 4th, 1776, was the act of an ethnographically and geographically unified nation, and not the separate though synchronous deed of thirteen constituent parts of that nation. Moreover, the authority of the Continental Congress as a revolutionary body cannot be questioned. It was this Congress that drew up and adopted the Articles of Confederation of 1781. But even at the time of the original adoption of these Articles by Congress, November 14th, 1777, the enthusiasm of 1776 was abated; the national ardor had cooled and had been superseded by more particularistic and selfish feelings. Thus the infant nation of 1776, even before it had risen from its cradle, seemed sickening to its death.

"The preponderance of the anti-national tendencies during the early life of the Union undoubtedly had its origin in the political and social development of the states, in their want of political connection before the Revolution, in the little intercourse, commercial and other, between them, and lastly in various differences in their natural situation which rendered a rapid intergrowth of the several States impossible and the collisions attendant thereon unavoidable."¹

When the time came to form a national government it was but natural that two opposing views should be taken as to the extent of the powers to be conferred upon that government.

To begin with, the very nature of the question provoked, if it did not require, the formation of two opposing parties;

¹ Von Holst, *The Constitutional and Political History of the United States*, Chicago, 1877, Vol. I. pp. 106, 107.

then, the selfish feelings of a particular state or states, loth to give up natural advantages to the common weal, would oppose a strong central government, and in any such movement as the American Revolution, an ultra-democratic party, large or small as the case may be, is sure to develop. But in this case fact proved more powerful than theory. The stern necessities of the case and the ably-defended opinions of Hamilton, Madison, and their coadjutors, in spite of the technical provisions of the Articles of Confederation, carried through the proposition for the Philadelphia Convention of 1787, and in it sounder political science prevailed. As a result our present Constitution was promulgated.

The great Constitutional Party, as we may appropriately describe the Federalists, immediately after the organization of the government under the instrument of 1787, put forth by word and deed a theory of government deduced from their interpretation of the Constitution, which in reality they had framed. The occasion of the crystallization of the elements of this party into an unified whole was the struggle for the adoption and adjustment of the system of 1787. Their theory was, in brief, that the government was based on a national popular sovereignty, that the central government should be independent in all its machinery of the local governments, exercising all general powers and interpreting by its own constituted agents what was local and what was general, under such limitations as were put upon it in the Constitution itself by the national popular sovereignty. But in the struggle this party was obliged to give up, if indeed it ever distinctly held, a wholly national doctrine and ground itself for the purpose of victory on a federal system, midway between confederation and nationalism, though strongly leaning toward the latter. This federal system, though still holding to the sovereignty of the people of the United States as ultimate, yet admitted that a system of local commonwealth governments was fundamental in our political system. In other words, it allowed that the Union was one of states, but not of state governments.

The original opponents of this doctrine cannot be dignified with the name party. Their nucleus was a few extremists of the Rousseau stamp, who believed or pretended to believe that the state of nature was the only perfect state and that all society had originated in a social compact; that government, which is in its very nature tyrannical and oppressive, had grown up from an exaggeration of powers originally relinquished by the individual in the compact. Around such men and opinions as these the opposition to Federalism began to collect. It acquired strength and definiteness by the debates on the Funding¹ and Assumption² bills, the Slavery Petition³ debate of 1790, the Excise Tax,⁴ the National Bank bill,⁵ and from the complications in foreign affairs in which the administration became involved. In addition "the French Revolution introduced from abroad an element which, independent of the actual condition of affairs and partly in conflict with it, kept excitement at the boiling point during many years.⁶ The French Revolution was at first hailed with delight by all parties in the United States; when, however, after the death of Mirabeau, the impossibility of control and the mistakes of the helpless court transferred the preponderance of power to the radicals and when the anarchical elements daily grew bolder, the Federalists began to turn away. The anti-

¹ Von Holst, I. 85, 86. Hildreth, *History of the United States of America*. New York, Harper and Brothers, 1851, Vol. IV. 152-171, 213-220. This and most of the following references to Hildreth are given to show where fuller information on the subjects referred to may be found.

² Hildreth, IV. 171-174, 213-220.

³ Von Holst, I. 89-93; Hildreth, IV. 174-204. In this debate the threat of civil war was uttered on the floor of the House of Representatives for perhaps the first time. The speaker was Tucker of South Carolina, and his words were: "Do these men expect a general emancipation by law? This would never be submitted to by the Southern States without a civil war." See Benton, *Abridgment of the Debates of Congress*, I. 208.

⁴ Von Holst, I. 94, 95; Hildreth, IV. 253-256.

⁵ Von Holst, I. 104-106; Hildreth, IV. 256-267.

⁶ Hildreth, IV. 411-413.

Federalists on the other hand clung more dearly to it than ever. The farther France proceeded, by the adoption of brutal measures, in the direction of political idealism, the more rank was the growth in the United States of the most radical doctrinarianism; the more attentively the legislators of France listened to Danton's voice of thunder and Marat's fierce cry for blood, the more boldly did demagogism in its most repulsive form rage in the United States."¹

Many of the objections to the Federalist measures were closely bordering on the ridiculous, while but a few were defensible. "But no reasoning was too absurd to find credulous hearers when the rights of the States were alleged to be in danger and the services of the phantom 'consolidation' were required. The politicians would not, however, in a matter of such importance have dared to wage so strong a war of opposition and they could not have carried it on for ten years and have finally conquered, if they had not had as a broad and firm foundation to build upon, the anti-nationalistic tendencies which prevailed among the people."²

The word anti-nationalistic is used advisedly; for by it is meant that among the people there was a strong feeling that any dissatisfied state or number of states might secede or withdraw at pleasure from the Union. Nor was this idea by any means confined to the anti-Federalists or to that section of the country in which their strength mainly lay. It is also a mistake to suppose that these feelings never found vent in words until the great slavery contest, many years later. In point of fact, as early as 1793, when peace with England was endangered by Genet's machinations and their consequences,³ there were those in the New England States who in no covert language urged that a dissolution of the Union was preferable to war with Great Britain. Here are the words of Th. Dwight,

¹ Von Holst, I. 107.

² Von Holst, I. 106.

³ Von Holst, I. 112-118; Hildreth, IV. 412-440, 477, 478.

writing at this time to Wolcott: "A war with Great Britain, we, at least in New England, will not enter into. Sooner would ninety-nine out of one hundred of our inhabitants separate from the Union than plunge themselves into an abyss of misery."¹ Hence it is evident that the geographical grouping of the friends and enemies of the Jay treaty² did not escape them in spite of appearances which were at first deceptive. Going beyond the limits of the question immediately under consideration they pointed to a division of the republic into two great sections and declared an understanding between them to be a condition precedent to the continuation of the Union. Wolcott writes to his father the following, August 10th, 1795: "I am, however, almost discouraged with respect to the southern states; the effect of the slave system has been such that I fear our government will never operate with efficacy. . . . Indeed we must of necessity soon come to a sober explanation with the people and know upon what we are to depend."³

It was reserved for the Alien and Sedition laws of 1798⁴ to call forth from the opposition their first definite declaration of political principles. This is contained in the Kentucky and Virginia Resolutions and in the supplements thereto passed on receipt of the replies from other State Legislatures. But we find another instance of definite talk concerning disruption before these resolutions were passed. In May of 1798, the idea of separation arose in the South as a means of escape from the supremacy of Massachusetts and Connecticut, which had to the Southern States become unbearable. John Taylor of Virginia, by no means an unimportant man, said "it was not unwise now to estimate the separate mass of Virginia and North Carolina with a view to their separate existence."⁵ Jefferson wrote him in relation to this matter, June 1st, 1798,

¹ Gibbs, *Mem. of Walcott*, I. 107. Quoted by Von Holst.

² Von Holst, I. 122-128; Hildreth, IV. 488, 539-556, 590-616.

³ Gibbs, *Mem. of Walcott*, I. 224.

⁴ Von Holst, I. 142; Hildreth, V. 216, 225-228.

⁵ Von Holst, I. 143.

that it would not be wise to proceed immediately to a disruption of the Union when party passion was at such a height.¹

The Kentucky Resolutions² of November 10th, 1798, and November 14th, 1799, really sounded the keynote of the Federalists' opponents, who had now come to be called Republicans. In brief their position was that the Constitution was a compact to which the states were integral parties, and that each party had an equal right to judge for itself as well of infractions of that compact as of the mode and measures of redress; and that the rightful remedy against the oppression of the central government or the exercise by it of any ungranted powers, was the nullification of any obnoxious act by the state or states objecting thereto. This was distinct and exact as far as it went, but it left to Calhoun and a greater crisis the logical pursuance of the doctrines to their farthest conclusions.

If the claim to the right of nullification as set forth in 1799 was well-grounded, the Constitution was indeed different from the Articles of Confederation in particulars, but the political character of the Union was essentially unchanged, and it was now as before, a confederation of the loosest structure. On this very point the comment has been well made: "to the extent that practice was in accord with theory a mere mechanical motion would have taken the place of organic life. Sooner or later even that would have ceased, for the state is an organism, not a machine."³

Washington now, December 25th, 1798, in writing to Lafayette, declared that "the Constitution, according to their [the anti-Federalists'] interpretation of it, would be a mere cipher."⁴ Three weeks later he wrote to Patrick Henry:

¹ Jefferson, Works, IV. 245-248.

² Von Holst, I. 144-155; Hildreth, V. 272-277, 296, 319-321.

³ Von Holst, I. 151, 152.

⁴ Washington, Works, XI. 378.

“Measures are systematically and pertinaciously pursued which must eventually dissolve the Union or produce coercion.”¹

Very shortly afterward the ultimate consequences of the Kentucky interpretation of the Constitution were boldly drawn.² Tucker, whose edition of Blackstone appeared in 1803, writes: “The Federal government, then, appears to be the organ through which the united republics communicate with foreign nations and with each other. Their submission to its operation is voluntary; its councils, its engagements, its authority are theirs, modified and united. Its sovereignty is an emanation from theirs, not a flame in which they have been consumed, nor a vortex in which they have been swallowed up. Each is still a perfect state, still sovereign, still independent and still capable, should the occasion require, to resume the exercise of its functions in the most unlimited extent.”³ Surely there is little here that marks any degree of consolidation. This makes the Constitution but a bond of straw and the nation to be no nation; nothing but a mere conglomeration of independent commonwealths. And when we recollect that this view was that of a large majority of the people at that time, and then read anew the Constitution and its exposition as given by its framers, we must agree with John Quincy Adams in saying that “the Constitution itself had been extorted from the grinding necessity of a reluctant nation.”⁴

The hold of the Federalists, which had gradually been growing weaker, was effectually loosened once and forever by the presidential election of 1800. Up to that time that party

¹ Washington, Works, XI. 389.

² Von Holst, I. 151, note.

³ Tucker's Blackstone, Philadelphia, 1803, I., Part 1, Appendix, p. 187.

⁴ The Jubilee of the Constitution, a discourse delivered at the request of the New York Historical Society on Tuesday, the 30th of April, 1839, being the fiftieth anniversary of the inauguration of George Washington as President of the United States, New York, 1839, p. 55.

had controlled the executive, the judiciary, and the Senate, although the House of Representatives had on several occasions contained an opposition majority. The accession of Jefferson to power was the death-knell of the Federalist party, and from 1800 until their final dissolution they were an ineffective and vacillating minority.

The downfall of the Federalist party explains in a great measure the security which the continuance of the Union enjoyed during the two following decades.¹ The party which represented particularistic and nullifying tendencies was in power and had an overwhelming majority, both legislative and popular, behind it. But although the possibility of a disruption was thus very small, yet the essence of the internal struggle remained the same. Indeed its character was placed in a clearer light by the facts that the parts played by each party were changed, so far as the question of right was concerned, and that the opposition, in spite of its weakness, was not satisfied with wishes and threats of separation, but began in earnest to devise plans of dissolution.

These mutterings were first heard in connection with the purchase of Louisiana in 1803.² The New England states especially opposed its consummation as affording to the southern states a source of power with which to become predominant in the Union for all future time; and they feared that the incorporation of the western territory into the Union and its economic development would prove injurious to their own commerce.

These two elements together had weight enough to draw from them the declaration that they would be forced to a separation from the Union. Plumer of New Hampshire declared in the Senate: "Admit this western world into the Union, and you destroy at once the weight and importance of the eastern states, and compel them to establish a separate

¹ Hildreth, V. 414-418.

² Von Holst, I. 183-187; Hildreth, V. 478-481.

independent empire.”¹ And also Griswold of Connecticut, the acknowledged leader of the Federalists, declared in the House, October 25th, 1803: “The vast unmanageable extent which the accession of Louisiana will give to the United States, the consequent dispersion of our population, and the distribution of the balance which it is so important to maintain between the eastern and the western states, threatens at no very distant day, the subversion of our Union.”² And although chronologically out of place, it will not be amiss to recall the speech of Josiah Quincy, delivered in the House of Representatives, January 14th, 1811, on the bill “To enable the People of the Territory of Orleans to form a Constitution and state Government, and for the admission of such state into the Union.”³ Mr. Quincy did not hold that a state had either a constitutional or a natural right to withdraw from the Union when it thought such a course best for its own interests; but he did maintain that such a violation of the fundamental compact might be made that the moral obligation to maintain it ceased and the right of revolution attached. His words are: “—I am compelled to declare it as my deliberate opinion that, if this bill passes, the bonds of this Union are virtually dissolved; that the states which compose it are free from their moral obligations: and that as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation amicably, if they can; violently, if they must. . . . Suppose, in private life, thirteen form a partnership and ten of them undertake to admit a new partner without the concurrence of the other three, would it not be at their option to abandon the partnership after so palpable infringement of their rights? How much more in political partnership, where the admission of new associates, without previous authority, is so pregnant with obvious dangers and evils. . . . This bill,

¹ Von Holst, I. 187, note.

² Von Holst, I. 187, note.

³ Hildreth, VI. 266.

if it passes, is a death-blow to the Constitution. It may afterwards linger; but lingering, its fate will, at no very distant period be consummated.”¹

Recollecting the date at which this speech was delivered, it will be noticed that it is of very great importance in connection with our subject, as showing that just previous to the outbreak of the war with Great Britain, such opinions, marking no real consolidation in the Union, were openly expressed on the floor of the National Legislature.

The statement not infrequently made, that at the time of the Louisiana purchase there were no serious thoughts of a disruption of the Union is untrue. In the letters of the Federalists we find not only that wishes to that end were expressed, but that formal plans were devised. It is admitted that they had no prospect of success; yet the fact that they were so seriously discussed is another link in the chain of cumulative evidence to prove that the Union, so-called, was really no Union at all.²

Later, in 1806, when it seemed as if the north and the south had begun to close the breach between them, came the embargo question to tear open the old sores and create new ones.³ And in this case, at least, the opposition acted not from sentiment alone, for the embargo touched the pockets of a great part of the country. “The planters’ staple articles, principally tobacco and cotton, remained unsold, but the planters themselves suffered relatively but little damage. Their products would keep and they were sure of finding a market again as soon as the harbors were open. The farmers sold a considerable portion of their products in the country itself, but the rest was a total loss. The productive industry of the New England fishermen,

¹ An abstract of this celebrated speech and an account of the circumstances attending its delivery will be found in the “Life of Josiah Quincy,” by his son, Edmund Quincy, Boston, 1867. Pp. 205-218.

² Von Holst, I. 193-199.

³ Von Holst, I. 201-217.

ship-builders, ship-owners, importers and exporters, and all who were dependent on them, ceased almost entirely.”¹

“In this dispute also it is impossible not to recognize a division of parties arising from diverse interests produced by geographical position, and every struggle in which this played any part became in consequence doubly bitter. The South, which held the balance of power in the reigning party and so was primarily responsible for the embargo, would have least to suffer from it. The powerless minority of the New England states, the consideration of whose interests, it was pretended, dictated the measures of the administration, had greatest cause for complaint. The middle states occupied a position betokened by their name; their interests unquestionably inclined them more toward the North, but they wavered from one side to the other.”² Nowhere here do we see any disposition to consult each other’s interests as if the good of one were the advantage of the whole. No such advanced idea of the national unity then existed.

The investigation of the information bought by Madison from the British spy, Henry,³ discloses still further the fact that at this time secession was regarded as the panacea for all real or fancied oppressions. Henry’s mission confessedly was to find out and report to his chief, Sir James Craig, Governor of Canada, how far the Federalists would feel inclined to look to England for support in case of a disruption of the Union. One of the most distinguished sons of Massachusetts was of opinion that Henry would find support enough for his operations, if the Administration’s policy was not changed. As early as November, 1808, John Quincy Adams expressed the fear that this might lead to civil war. Later he claimed to have unequivocal evidence to prove that there was a systematic

¹ Von Holst, I. 209. Cf. Benton, Ab. Debates of Congress, III. 692; IV, 64.

² Von Holst, I. 209, 210.

³ Von Holst, I. 221, 222; Hildreth, VI. 284-287, 390.

attempt making to dissolve the Union. In his opinion New England would have undoubtedly made sure of the assistance of Great Britain if the Administration had made civil war inevitable by an effort to overcome the resistance to the embargo by force or by extending it farther.¹

In this hasty glance at the salient points in the history of the country from 1789 to 1811, in so far as it bears upon our subject, we find nationalization nowhere, decentralization everywhere. Secession, so far from being regarded as unconstitutional or unjustifiable under any circumstances, was the club with which every minority on any important question strove to beat the majority to terms. It mattered not what opinions as to ultimate sovereignty the parties held. Such considerations as this were lost sight of in the strifes of sectional prejudices and the clash of material interests. "Judged from an impartial standpoint, the fact that the possibility of civil war or a division of the Union were so frequently and on relatively insignificant occasions, thought of on both sides, may be fairly taken as a measure of the degree of consolidation which the Union had attained at that time. The actual condition of affairs presented so unusual a complication of positive and negative factors so peculiarly grouped, that it was no easy matter to determine their sum total."² It is interesting to read here the following words, uttered in 1828:³ "It is a melancholy reflection—a subject that excites our best and inmost feelings—that projects or speculations as to a dissolution have been so frequently indulged. That leading men in Virginia looked to a dismemberment in 1798–9, when the armory was built; that Burr and his confederates had an eye to the establishment of a western government in 1805–6; that many contemplated a building up of the 'Nation of New England' from 1808 to 1815, seems to us undoubted; but

¹ Von Holst, I. 222, 223.

² Von Holst, I. 220, 221.

³ See Niles' Register, XXXV. p. 210.

the lengths to which either party proceeded rest very much on conjecture or depend on opinion. . . . But whatever have been the designs of individuals, we have always believed that the vast body of the people have ever been warmly attached to the Union." In view of our discussion the last sentiment, however desirable, certainly seems unwarranted, and at the declaration of war in June of 1812 we have the spectacle of a government composed of eighteen¹ sovereign integers, each looking to its own interest alone, never consulting the general weal, and claiming the right and the duty to secede from the so-called Union whenever such a course might seem most favorable to its individual interests. What effect the war with Great Britain was to have upon the consolidation of the Union, we can now understandingly inquire.

Into a detailed account of the course of events abroad which brought about the war of 1812 we must not here enter. But we must examine the causes and character of the war in so far as they have a direct bearing upon parties and sections in the United States.

The beginning of 1808 saw the Berlin and Milan decrees of Napoleon and the Orders in Council of England all in force,² and Jefferson, his second term nearing its close, at the helm of state in the United States. To his Administration five courses of action were open, some one of which must be adopted as its own and worked out to its logical conclusion. This choice lay between (1) doing nothing and allowing the individual ship-owners to help themselves as best they might; or (2) attempting a further negotiation with England; or (3) suspending all commerce with the outside world; or (4) granting

¹ In addition to the original thirteen states the following had been admitted into the Union: Vermont, March 4th, 1791; Kentucky, June 1st, 1792; Tennessee, June 1st, 1796; Ohio, November 29th, 1802; Louisiana, April 8th, 1812.

² Hildreth, VI. 32-35. The Berlin decree was dated November 21st, 1806, and the Milan decree, December 17th, 1807. The Orders in Council were of the date of May 16th, 1806 and November 11th, 1807, respectively.

letters of marque and reprisal to American ship-owners; or (5) declaring war upon England immediately. Of these possible lines of policy, entrance upon the fourth or fifth was precluded, for a time at least, by a wholesome fear of the British navy; the first was shut off by a feeling for the national honor; the third was the choice of the Administration; but the second had recommended itself as the most natural and as having precedents in the country's history. Indeed it had been tried, resulting in the treaty which was agreed upon in December, 1806, but to which Jefferson had refused his assent without ever submitting it to the Senate. This step having thus failed, the Administration had been free to pursue its chosen policy, and to the Tenth Congress, October 26th, 1807, the President recommended an embargo.¹ His recommendation was dutifully accepted by his party followers in Congress, and the embargo became a law before the end of the year. The Federalists upon whose New England constituencies the measure bore heaviest, opposed the measure both on economic and on constitutional grounds, and their discussion of this question presents us with what was destined to be but one of many mortifying exhibitions of the old party of the Constitution. But on the constitutional objection it was over-matched and was forced to fall back to the vantage ground of the economic argument. And this in turn was little heeded by the party in power, so long as it did not come directly home to themselves. But when it began to touch their own pockets, as it did a few months later, then human nature proved to be too strong for party sentiment.² So evident did this become that Nicholas, of Virginia, the Administration leader on the floor of the House of Representatives, himself introduced, January 25th, 1809, a resolution favoring the repeal of the embargo and the defence of our maritime rights against all belligerents.³ After some haggling as to the date on which

¹ Hildreth, VI. 55, 56.

² Hildreth, VI. 96-106.

³ Von Holst, I. 214; Hildreth, VI. 125-130.

the Embargo Act should expire, March 15th, 1809, was agreed upon as a compromise and the resolutions were passed. This virtually threw the United States back to the position in which it was when confronted by five possible courses of action, while two of the five,—those by further negotiation and cutting off all intercourse with the outside world—proved useless by the failure of the treaty and of the embargo. The prospect of an amicable solution of the difficulty by a further treaty was poor indeed, if we consider the spirit of the British Government and the hostility of the Republican party to everything British. In Great Britain Mr. Fox was dead and a new Administration had come into power strongly retrograde in policy and having George Canning for its soul. Great Britain was determined to recover her commerce and to take back her seamen, and the United States had no alternative but to submit or fight. The resumption of commerce and its defence, referred to in the Nicholas resolutions, must then be by war.

The Eleventh Congress at its first session voted the continuance of the non-intercourse Act with Great Britain, and then two years passed during which the latter continued the execution of her offensive orders and decrees against neutral commerce. But when the Twelfth Congress assembled in November, 1811, it was felt that some decisive action would soon be taken.¹ The leadership of the dominant party had been assumed by younger and more impetuous men; and with Clay as Speaker of the House, Calhoun standing second on the Committee on Foreign Affairs, and Crawford and Grundy acting with them, war was certain within the year.²

The move was quick and emphatic. On November 29th Calhoun's committee reported a resolution declaring "Forbearance has ceased to be a virtue. . . . The period has arrived when in the opinion of your committee it is the sacred

¹ For the personal and party constitution of the Twelfth Congress, see Hildreth, VI. 259, 260.

² Von Holst, I. 226.

duty of Congress to call forth the resources and patriotism of the country.”¹ In addition the committee recommended that the standing army be increased by 10,000 men and that the President be authorized to call 50,000 volunteers under arms. This was all acceded to without any delay by an overwhelming majority.

But such resolutions were inoperative without the coöperation of the President, and he was for peace. Fortune, however, favored the war party. A presidential election would take place in the following autumn and Madison was anxious for a second term. In this the leaders of the war faction saw their opportunity. They waited upon Madison and plainly told him that the condition *sine quâ non* of their support in the coming campaign was his acceptance of their war policy. Madison knew very well that both Monroe and Gerry were ready and willing to accept the presidential nomination on a war platform. This determined his action, and he gave in his adherence to the war party.²

On April 3rd he wrote to Jefferson that the action of the British government in refusing to repeal the Orders in Council had left the United States no option but to prepare for war, and that an embargo of sixty days duration had been recommended.³ This recommendation had already been sent in on April 1st. It was acted upon by Congress, but the war party could not wait. They drove Madison on, and on June 1st he sent in his message recommending a declaration of war.⁴ Two days afterward Calhoun reported on it from his committee, and the declaration was carried in the House by a vote of 79 to 49. The Senate was more deliberate, and after two weeks' delay it passed the declaration, June 17th, by a vote of 17 to 13.

An analysis of this vote is interesting as showing the sectional character of the war party and of the opposition to it.

¹ Von Holst, I. 226-227; Hildreth, VI. 262-265.

² Von Holst, I. 230-232; Hildreth, VI. 289-291.

³ Hildreth, VI. 291-294.

⁴ Von Holst, I. 232, 233; Hildreth, VI. 303-306.

Louisiana, making the eighteenth state, had just been admitted, and the House contained 177 members apportioned in the ratio of one to every thirty-five thousand inhabitants. There were 36 members of the Senate, thus making a total of 213 in both houses, not including the Vice-President who was presiding in the Senate. The New York delegation of 27 was then for the first time more numerous than that of every other state. Pennsylvania was second with 23 members, and Virginia third with 22. The members from New Hampshire, most of those from Massachusetts (which then included what is now the state of Maine), those from Connecticut, Rhode Island, New Jersey and Delaware, with several from New York, some from Virginia and North Carolina, one from Pennsylvania and three from Maryland, opposed the war. The members from Vermont, some from New York, all but one from Pennsylvania, most of them from Maryland, Virginia and North Carolina, all from South Carolina, Georgia, Kentucky, Tennessee, Ohio, and Louisiana, supported it. New Hampshire, Connecticut, Rhode Island, New York, and Delaware were represented by senators who opposed the war. Massachusetts and Maryland were divided, while Vermont, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, Kentucky, Tennessee, Ohio, and Louisiana were represented by senators who supported the war. Of the large sea-board cities, Boston and New York were represented by members found in the minority. The delegations from Philadelphia, Baltimore, Charleston, and New Orleans were with the majority. The eastern states as a rule opposed the war; the western states were all for it, with the southern and middle states divided. The practical feature was that the war administration could command a majority of nearly forty votes in the House and one of four or five votes in the Senate.

Taking the reasoning portion of the community as the judge, probably the declaration of war was mostly condemned; but the instinctive patriotism of the young men of the country enthusias-

tically maintained it. Few denied that sufficient cause for the war existed, but the time and mode of its declaration were condemned. Defensive though the war appeared to be, yet it was offensive in that it was voluntarily undertaken by the United States to compel Great Britain by the invasion and conquest of her North American dependencies, to respect our maritime rights as neutrals.

A united sentiment on the part of the people, more especially those from whom men and money must principally be drawn, would have excused in a great measure the haste and lack of preparation with which the war had been declared and would soon have filled up the ranks of the army and the coffers of the treasury. But any such unanimity was entirely wanting. The policy of the old Republicans, with the exception of the small class of Francomaniacs, as well as of the Federalists, had been alike neutrality and peace. But however peaceful might have been the intentions of Jefferson and his close followers, there had always been a faction, more or less large, which was determined to bring about a war with Great Britain. This faction had served as the nucleus about which various forces and tendencies had caused the now triumphant war party to crystallize.

But that the war was a party one was too evident to be denied even by its warmest advocates. In the first place we have the important address to their constituents by thirty-four members of the minority in the House of Representatives.¹ This address held, in substance, that the United States was a nation (*sic*) composed of eighteen independent sovereignties united by a moral obligation only. It went on to say: "— above all, it appeared to the undersigned from signs not to be mistaken, that if we entered upon this war, we did it as a divided people; not only from a sense of the inadequacy of our means to success, but from moral and political objections of great weight and very general influence." These "moral and political objections" were con-

¹ Niles' Register, II. 309-315.

sidered by the authors of the address to have the greatest weight, and to their words the next presidential election gave a peculiar emphasis. The war was the live issue of the campaign and the result showed more plainly than had been done in many years before, the geographical separation of parties. All the New England states excepting Vermont, together with New York, New Jersey and Delaware cast their electoral vote solidly for De Witt Clinton. Maryland was divided, while Pennsylvania and all the southern and western states voted unanimously for Madison.¹ Aside from what such a separation as this too plainly indicates, the proof that the war was a sectional one is cumulative. Six months before the declaration was made, Macon of North Carolina, one of the most distinguished of the war party, said: "And here, sir, permit me to say that I hope this is to be no party war, but a national war. . . . Such a war, if war we shall have, can alone, in my judgment, obtain the end for which we mean to contend, without any disgrace."² And two years later Webster in his forcible rhetoric declared: "The truth is, sir, that party support is not the kind of support necessary to sustain the country through a long, expensive, and bloody contest; and this should have been considered before the war was declared. The cause, to be successful, must be upheld by other sentiments and higher motives. It must draw to itself the sober approbation of the great mass of the people. It must enlist, not their temporary or party feelings, but their steady patriotism and their constant zeal. Unlike the old nations of Europe, there are in this country no dregs of population fit only to supply the constant waste of war and out of which an army can be raised for hire at any time and for any purpose. Armies of any magnitude can be here nothing but the people embodied; and if the object be one for which the people will not embody there can be no armies."³

¹ Noted by Von Holst, I. 236.

² Benton, Ab. Debates of Congress, IV. 452.

³ Benton, Ab. Debates of Congress, V. 139.

But previously, in his celebrated Fourth of July oration at Portsmouth, in 1812,¹ Webster had taken the ground that the war was unjustifiable in political economy, but that it was now legally declared and had become the law of the land, and all citizens, including those of New England, although they saw that their personal interests had been disregarded, should pay their share of the expenses and render personal service to the full and just extent of their constitutional liability. Here the old question again arose. Who is to decide what that constitutional liability includes? And here again is seen the absurd and disgraceful position of the once-honored Federalists. All of the New England legislatures, excepting that of Vermont, as well as that of New Jersey, planted themselves upon the ground marked out for them by Webster, with the further and, in the light of the past history of the men engaged in the movement, ludicrously extreme position taken by the Supreme Court of Massachusetts and the military commander of Rhode Island. The outgrowth of this doctrine was the refusal of militia aid by New England and, a little later, the Hartford Convention.²

Upon the history and work of the Hartford Convention we need not dwell longer than to recall the fact that the states in sending delegates to the Convention were committing an extra-constitutional and, to say the least, highly unnational act, that their report read like a revised edition of Madison's Virginia Resolutions, that they urged specific constitutional amendments, some of which—notably those calling for the prohibition of commercial intercourse, the admission of new states, and the declaration of war by a two-thirds majority only or both houses of Congress—sound strangely like process under the old Confederation régime, 1781-7. As showing the anti-

¹ Curtis, *Life of Daniel Webster*, I. 105. Cf. Webster's Speech in the House of Representatives, January 14th, 1814, Benton, *Ab. Debates of Congress*, V. 138.

² Von Holst, I. 260-272; Hildreth, VI. 472, 473, 532-535, 545-553. Cf. Dwight, *History of the Hartford Convention*.

national tendencies prevalent at the time, the report of the Hartford Convention is of interest to us. But the almost immediate conclusion of peace put an end to any attempts to carry out its suggestions.

With the conclusion of the war came a calm, and in its quiet we are able to discern what were the effects of the conflict upon the great internal question in the United States.

Looking back from our standpoint of the present we can easily conclude that as a matter of right the war was certainly fully justified, but as an economic policy its expediency must be questioned. It had lasted two and one-half years and raised the national debt from \$45,000,000 to \$127,000,000, or at the rate of somewhat more than \$30,000,000 a year. Yet its political effect was cheaply bought even at that price. Although not destined to be permanent, the national feeling it produced was something entirely novel, but none the less excellent.

From 1800 to 1815 the old national party, the Federalists, driven by the necessities of opposition and selfishness, gravitated over to the particularistic doctrine, but lost weight at each step, until finally, like a candle burned to its socket, they flickered faintly in the Hartford Convention and then went out forever. On the other hand, the Republicans, led by the possession of power and, it were charitable to suppose, a more enlightened intelligence, grew stronger day by day as they gave up, in practice at least, their old particularistic and strict construction theories for a more broadly national platform. That the sentiment of the people at large had correspondingly changed is shown by the next presidential election. When the votes of the election for the eighth presidential term were counted, it was found that only 34 out of 217 had been cast for Federalist candidates. Even Rhode Island now severed her connection with her old friends, Massachusetts and Connecticut, although Delaware now joined them. How demoralized the Federalist party had become appears still more clearly when we see how their votes for Vice-President were scattered.

Massachusetts voted solidly for John Eager Howard of Maryland, Delaware did the same for Robert G. Harper of Maryland, while Connecticut gave five votes to James Ross of Pennsylvania and four to John Marshall of Virginia. These three states alone cast any electoral votes against the Republican candidates. The Republicans now, for the instant at any rate, a national party, remained masters of the field and until circumstances should develop new party issues their supremacy was assured.

Strangely enough sound the testimonies to the unifying influence of the war given by men who belonged to the same party that Jefferson had once led. And we know of no better way to show this effect of the war than by a few selections from the political correspondence of the leading men of the period.

Almost with a voice of prophecy Gallatin had written to Nicholson, July 17th, 1807, in regard to the war which was even then looked forward to: "In fact the greatest mischiefs which I apprehend from the war are the necessary increase of executive power and influence . . . and the introduction of permanent military and naval establishments,"¹ both of which we know to be the concomitants of a perfect nation.

September 6th, 1815, Gallatin writes to Jefferson, then in retirement at Monticello: "The war has been useful. The character of America stands now as high as ever on the European continent and higher than it ever did in Great Britain. I may say that we are favorites everywhere except at courts, and even there we are personally respected and considered as the nation designed to check the naval despotism of England."²

Again he writes to Jefferson, under the date of November 27th, 1815: "The war has been successfully and honorably terminated; a debt of no more than eighty millions incurred, Louisiana paid for, and an incipient navy created; our popu-

¹ Henry Adams, *The Writings of Albert Gallatin*, I. 339.

² Adams, *Writings of Albert Gallatin*, I. 651, 652.

lation increased in the same and our resources in a much greater proportion ; our revenue greater than ever.”¹

Gallatin says to Matthew Lyon,² May 7th, 1816 : “The war has been productive of evil and good, but I think the good preponderates. Independent of the loss of lives and of the losses in property by individuals, the war has laid the foundation of permanent taxes and military establishments which the Republicans had deemed unfavorable to the happiness and free institutions of the country. But under our former system we were becoming too selfish, too much attached exclusively to the acquisition of wealth, above all, too much confined in our political feelings to local and State objects. The war has renewed and reinstated the national feelings and character which the Revolution had given and which were daily lessened. The people have now more general objects of attachment with which their pride and political opinions are connected. They are more Americans ; they feel and act more as a nation, and I hope that the permanency of the Union is thereby better secured.”³

And twenty years later, when the smoke of the old battle had cleared away and another conflict, this time one of principles, was waging, Gallatin writes to Edward Everett, January, 1835 : “I do insist on the undeniable fact that the national character has been entirely redeemed by the late war, and that at this time no country is held by foreign nations and governments in higher respect and consideration than the United States.”⁴

¹ Adams, Writings of Albert Gallatin, I. 667.

² Matthew Lyon represented a Vermont district in the House of Representatives from 1797 to 1801, and a Kentucky district from 1803 to 1811. For some of the incidents of his sensational political career, see Hildreth, V. 80, 187-191, 247-250, 295 ; VI. 238, 239 ; and also McMaster, *A History of the People of the United States from the Revolution to the Civil War*. New York, D. Appleton & Company, 1885. Vol. II. pp. 327-329, 356, 363-367, 399-402, 430, 532.

³ Adams, Writings of Albert Gallatin, I. 700.

⁴ Adams, Writings of Albert Gallatin, II. 500.

Jefferson writes to Gallatin, May 18th, 1816, in reference to the lack of political dissension in Virginia, and says: "This spontaneous and universal concurrence of sentiment has not been artificially produced. I consider this as presenting an element of character in our people which must constitute the basis of every estimate of the solidity and duration of our government."¹ Strange words these to come from the pen which drew up the Kentucky resolutions!

Crawford, in a letter to Gallatin, bearing the date of October 27th, 1817, writes: "The President's tour through the East has produced something like a political jubilee. They were in the land of steady habits, at least for the time, 'all Federalists, all Republicans.' A general absolution of political sins seems to have been mutually agreed upon."²

The war had ruined the particularists; it had made all nationalists, if we may use the word. The bonds of the early days of the revolution were forged anew and the nation's heart beat as one. Patriotism and national pride had conquered sectionalism and personal selfishness. The era of good feeling had dawned.³ But it was the ominous calm that precedes the tempest.

With this position gained and all foreign entanglements removed by Waterloo and its consequences, the United States was thrown back on itself and the fire of slavery which had been smoldering in its bosom now found an opportunity to burst forth afresh and kindle the conflagration from which

¹ Adams, Writings of Albert Gallatin, I. 705.

² Adams, Writings of Albert Gallatin, II. 55; Hildreth, VI. 623.

³ Owing to the fact that this essay was written before the excellent History of the United States of America under the Constitution, by James Schouler, Washington, 1886, was published, no references to that work are made. Volumes I. and II. of Mr. Schouler's History, embracing the period discussed in this monograph, are particularly important for the proper understanding of the influences at work in it. In Vol. II. 452-454, it is gratifying to find the author taking the view of the effect of the War of 1812 that is developed in this essay.

the camp-fires of the great civil war forty years later were to be lighted.

But because the good effect of the second war with Great Britain was soon swept away by the slavery dispute, we must not overlook the fact that such an effect existed. The country entered the war distracted, indifferent, and particularistic; it emerged from it united, enthusiastic, and national. But the ebb was to be greater than the flow, and half a century was to elapse before the conditions of national unity which existed in the years immediately following the war of 1812 were again to be plainly observed in our political history.

VIII

NOTES

ON THE

LITERATURE OF CHARITIES

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History—*Freeman*

FIFTH SERIES

VIII

NOTES

ON THE

LITERATURE OF CHARITIES

BY HERBERT B. ADAMS

BALTIMORE
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NOTES

ON THE

LITERATURE OF CHARITIES.¹

A recent discussion in Baltimore of the subject of organized charities has quickened popular interest in the subject and has stimulated further inquiry. Public spirited citizens and university students are beginning to seek more systematic and detailed information respecting the history and operation of organized charitable effort. Literature here comes to our aid. It can supply a perpetual fountain of knowledge, experience, and enthusiasm for practical work.

BALTIMORE.

For Baltimore readers the literature of charities, like charity itself, begins at home. Our first duty is to inquire for local

¹This paper was prepared for a popular audience and a local purpose. It was read, in selected parts, at the closing meeting of the Conference on Charities held in Baltimore, April 15-16, 1887, and is now published in a revised form to meet a public need. Without attempting bibliographical completeness, the writer has aimed to present a suggestive description of some of the best and most available literature on charities. For valuable references and occasional comments, acknowledgment is due to President D. C. Gilman, Dr. Richard T. Ely, Dr. J. F. Jameson, Dr. Edward W. Bemis, Professor G. Stanley Hall, Dr. Fabian Franklin, Messrs. Gardner, Warner, Young, and Tuska, of the Johns Hopkins University. Use has been made of some of the best known catalogues and of the Co-operative Index. The writer has merely endeavored to give unity and point to a great variety of scattered materials.

contributions to the subject. Perhaps the best work to begin with is the Rev. William F. Slocum, Jr.'s excellent tract on the Relation of Private and Public to Organized Charity, recently published by the Charity Organization of this city. The work is written in vigorous English and tells some plain but startling facts. For example, twenty persons receiving charity from one church in Baltimore were found by inquiry to be all impostors. The reasons and necessity for co-operation in charitable work are clearly set forth, and the best experience of this country and Europe is cited. Dr. Richard T. Ely's admirable paper on the general principles of philanthropy, with respect to charities, should be read by every student. The article was originally published in the Baltimore Sun, March 9, 1887, but it has recently been republished by the Charity Organization Society and deserves renewed attention. Other important articles upon charity organization in Baltimore have appeared from time to time in the Baltimore papers. There are readable articles on the Organization of Charity in *The Sun* for March 15, 1887, and in *The Daily News*, for March 26, 1887. *The Sun* showed that the total number of applications for relief during the four months preceding March, 1887, was 2,003, and the number of investigations was 1,161. During the time 199 vagrants were dealt with, 149 frauds were exposed or suppressed, and 138 street beggars were warned. Of the whole number, 209 persons were found to need not relief but work, and employment was secured by the society for 152. 256 cases were put on record as undeserving, and 200 false addresses were found out. The society placed 101 of the applicants in institutions appropriate to their needs. Assistance was obtained for 618 (in 378 cases, from other societies and in 240, from individuals). Seven loans were made, which, as a rule, have had good results. 102 of the cases were dismissed because they had become self-sustaining. The agents of the society made 2,158 official visits, besides the large number of calls made by the various friendly visitors of the district board.

PHILADELPHIA.

After an examination of the home-field, it will be found profitable to turn to the experience of our neighbors. Philadelphia has been at work for several years in organizing local charities. The annual reports of the central board of directors to the society for organizing charity are full of interesting suggestions. "What shall Philadelphia do with its Paupers?" was the subject of a paper by Dr. Isaac Ray, published in the *Penn Monthly* in April, 1873, and republished by the Philadelphia Social Science Association, whose proceedings contain many other valuable papers. For example, among those read at the ninth annual meeting was an article by the Rev. William H. Hodge on "The Philadelphia Society for organizing Charitable Relief and repressing Mendicancy." The same general subject is treated in the *Penn Monthly* for September, 1878. Excellent "Suggestions to Ward-Visitors" have been given in published form by Mrs. Susan I. Lesley, of Philadelphia. The Rev. D. O. Kellogg contributed an article on the organization of Charity in Philadelphia, to the *Penn Monthly* for September, 1878. The Pauper Question by the same author was published in the *Atlantic Monthly* for May, 1883, and was republished by the Charity Organization of New York. The annual reports of the Public Charities of Pennsylvania are a trustworthy source of information. The annual reports of the directors of City Trusts in Philadelphia are also standard.

NEW YORK.

The experience of New York, in matters pertaining to charity, has been extensive and valuable. Interesting experiments in social reform have been tried in the metropolis and in New York state institutions. A general view of the whole subject is presented in Prof. Theodore W. Dwight's paper in the *Journal of American Social Science*, No. 2, on the Public Charities of the State of New York. The annual reports of

the State Board of Charities and the reports of the State Charities Aid Association are standard. In the former series, tenth report, appeared Dr. Charles S. Hoyt's paper on the Causes of Pauperism, afterward republished as a pamphlet. In the latter series was printed Miss Schuyler's article on the Importance of uniting Individual and Associated Volunteer Effort in Behalf of the Poor, also issued as a pamphlet. A useful Handbook for Friendly Visitors among the Poor was published by the Putnams for the Charity Organization Society of New York City. The Putnams have also published, in their "Questions of the Day," Mrs. Josephine Shaw Lowell's excellent article on Public Relief and Private Charity. This is one of the most concise and available authorities. It urges organization of charities, the promotion of self-help, with industrial and moral training. Mrs. Lowell is the author of a valuable report on vagrancy, presented at a meeting of the New York State Board of Charities. A paper on Charitable Organization and Administration, by the Rev. Henry C. Potter, D. D., was read before an Episcopal Church congress and published in New York in 1877.

Excellent work has been done by the Board of Relief of the United Hebrew Charities of New York City. The 12th report, published in 1886, shows that of 2,805 applications for employment, 1,600 secured good places, 146 as clerks, 713 as operatives, 198 as office boys, 120 as porters, 102 as salesmen, 111 as waiters and nurses, 68 as book-keepers, 59 as drivers, 11 as teachers, etc. This is a remarkable contribution to self-help in one city by one system of charities. Hebrew charities have been well described by Miss Mary H. Cohen in the *Journal of American Social Science*, No. 19. The Catholic Charities of New York are treated by L. B. Binsse, in the *Catholic World*, 43: 681, 809.

Helen Campbell has made valuable contributions to the literature of charities (1) in her study of the problem of the poor, a *Record of Quiet Work in Unquiet Places*, New York, 1882, and (2) in her book on *Prisoners of Poverty*, recently

published by the Roberts Brothers of Boston, 1887. This work is a collection of newspaper articles which originally appeared in the *New York Tribune* and which throw strong light on the economic slavery which exists in the great metropolis.

Very interesting and remarkable are the writings of Mr. Charles Loring Brace: (1) the *Dangerous Classes of New York, and Twenty Years Work among them*; (2) the *Care of Poor and Vicious Children*, *Journal of the American Social Science Association*, No. 11; (3) in the same *Journal*, No. 18, *Child Helping in New York*; (4) the annual reports of the *Children's Aid Society*. Baltimoreans who remember Mr. Brace's account of this work at the recent *Charity Conference* will read these papers with deep interest. An extraordinary study into the effects of crime, pauperism, disease, and heredity is that called "*The Jukes*," by Richard L. Dugdale, New York, 1877, published by G. P. Putnam's Sons.

The Problem of Pauperism in Brooklyn has been considered in a pamphlet by the Hon. Seth Low. This apostle of municipal reform has also treated the subject of *Out-Door Relief in the United States*, in a report read at a *National Conference of Charities and Corrections* and reprinted as a pamphlet.

One of the most helpful of all works upon the subject of *Charity Organization* is that written by the Rev. S. H. Gurteen, of Buffalo, N. Y. The book represents wide reading and observation. It is both historical and practical. Mr. Gurteen is also the author of a good paper entitled "*What is Charity Organization?*" Buffalo, 1881.

NEW ENGLAND.

Here lies another rich field of organized charities which may be studied by means of literature. Mr. F. B. Sanborn's report on the public charities of Massachusetts, prepared for the centennial commission in 1876, presents an excellent history of the origin and development of all the charities of a typical

New England Commonwealth. The annual reports of the State Board of Health, Lunacy, and Charity are invaluable. Mr. F. B. Sanborn has treated the subject of Poor-Law Administration in New England in the *North American Review*, 114 : 1. The same writer has a paper in the transactions of the American Social Science Association, No. 1, June, 1869, on the Supervision of Charities.

The Charities of Boston are described by Mr. Samuel A. Eliot in the *North American Review*, 61 : 135 (1845). The new movement in charitable work receives special attention from H. A. Stimson and D. McGregor Means in the *Andover Review*, 3 : 107 and 4 : 220. Charity Organization is treated in the *New Englander and Yale Review* for March, 1887. The annual reports of the Associated Charities of Boston will be found instructive. In 1886 was published a directory of all the benevolent and charitable organizations in that city. This work is a model of its kind and a *vade mecum* for the practical worker. Its bibliography of charity has been of service to the writer in supplementing the present sketch. 'The book not only describes all the existing agencies in Boston for distributing charity, but it contains also a useful summary of Massachusetts legislation touching charities, health, the liquor traffic, etc. Similar directories have been published in New York and Baltimore, but good suggestions for a new edition may be derived from the Boston directory which is the latest of all. The original idea of these directories came from London, which still has a model guide of charity.

Many contributions to the administration of charity have been published in Boston, notably Mrs. James T. Fields' *How to Help the Poor*; Joseph Tuckerman's work on *The Elevation of the Poor*, with an introduction by Rev. Dr. E. E. Hale. One of the earliest contributions was a translation by Mrs. Horace Mann and Miss Peabody, in 1832, of Joseph Marie de Gérando's *Le Visiteur du Pauvre*, published in Boston as *The Visitor of the Poor*. The report of a Boston commission on the Treatment of the Poor was issued in 1878.

The annual reports of the Industrial Aid Society should be consulted.

Other states and cities in this country besides those mentioned have published valuable reports of their systems of charity. The Boston Directory shows that charity organization societies now exist in more than fifty different municipal centres and in twenty different states. The extension of the system will rapidly increase the literature of organized charities. It is highly desirable that a good reference-library of special reports, pamphlets, monographs, and newspaper comment should be collected in every new centre of organization. This class of literature is necessarily ephemeral, and it can never become accessible to the public unless it is gathered and systematically arranged by the local agents of organized charity. When valuable reports or published addresses appear, these agents should review them for the daily press, so that thousands may read the results of one man's study.

AMERICAN PERIODICALS.

There are several periodicals which should be familiar to all charity-workers. First, that called *Lend a Hand*, edited by the Rev. Edward Everett Hale. This magazine is readable and popular in the best sense. In every number are suggestive stories and brief summaries of the reports of many charitable societies. The editorials discuss such subjects as the difference between pauperism and poverty, and the principles of charity organization. An article which appeared in the first number of *Lend a Hand*, describing the abuses which prevailed in a prison belonging to the United States, led to an examination and remedy of those abuses by authority of Congress. Among other interesting information afforded by this magazine is an account of the attempts made in this country to introduce co-operative manufactures.

The Monthly Register, published in Philadelphia, is the official organ of twenty societies of Organized Charity. The

Bulletin of the New York Charity Organization Society is published monthly and is concerned chiefly with the local work in that city, but it is full of suggestions for workers elsewhere. *The Friend* is a New York journal of charity, published at 150 Nassau Street.

The International Record of Charities and Correction, edited by F. H. Wines, has just begun its second volume. It is a very valuable repertory of all that pertains to the administration of prisons, reformatories, houses of correction, juvenile asylums, and other forms of state or local organization for the prevention of poverty and crime.

The publications of the American Economic Association are likely to prove of great practical value to the friends of the poor and of the working classes. Most valuable is the series of papers upon the subject of Co-operation in the United States: (1) Co-operation in a Western City, by Albert Shaw, Ph. D., now one of the editors of the Minneapolis Tribune. (2) Co-operation in New England, by E. W. Bemis, Ph. D. (3) Three phases of Co-operation in the West, by A. G. Warner, former Fellow in History, of the Johns Hopkins University, now general agent of the Charity Organization Society in Baltimore. These papers, with others upon the same class of subjects, are written by Baltimore university men, and are soon to be collected and published in book-form in the "Johns Hopkins University Studies in Historical and Political Science."

The publications of the American Social Science Association and of the Social Science Association of Philadelphia are rich in contributions to subjects pertaining to the improvement of society. A file of the proceedings of these two Associations is most desirable for every bureau of organized charities. Among the papers of the society first named, in addition to others already mentioned, are: Associated Charities (No. 12); American Factory Life, by Miss Lucy Larcom (No. 16); Tenement Houses, by Dr. L. M. Hall (No. 20).

The proceedings of the Annual Conferences of Charities

and Corrections are among the fullest of all American sources of information respecting the charitable work actually accomplished in this country and the methods employed in the different states and cities. These reports of conferences serve as a kind of national repository for all local experience in the organization and promotion of charities. Interesting reformatory and sociological experiments are also recorded here.

ORGANIZED CHARITIES IN ENGLAND.

The best original sources of information are the reports and publications of the London Charity Organization Society and the Charity Organization Review, published monthly. The latter is full of substantial, detailed information, stated in a practical business-like way. If one wishes to descend from the contemplative heights of principle, from sentimental or purely scientific interest in the subject of charities, to practical every day work, this organ of actual experience in London districts will tell what to do and how to do it. The London Journal and official reports are received by the Charity Organization Society of Baltimore and may be seen at their office.

The Hospital is an English Journal, published by an association and designed to give the latest information upon hospital work and kindred charities.

Various works of a suggestive character have been published in England upon the best methods of charitable work, *e. g.*, *A Handy Book for Visitors of the Poor in London*, by Charles B. P. Bosanquet, secretary of the Charity Organization Society of London; *Sir Charles Trevelyan on Systematic Visitation of the Poor in their own Homes*; *Thoughts and Experiences of a Charity Organizationist*, by J. N. Hornsby Wright; *Method in Almsgiving*, by M. W. Moggridge; *Suggestions to the Charitable for Systematic Inquiry into the Cases of Applicants for Relief*, by C. J. Ribton-Turner; *Report of the Local Government Board, for 1873-4*, with papers by Octavia Hill and others, upon subjects relating to charity.

Ginx's Baby, a satire, is a healthful warning against red-tape methods of exercising charity. A baby, born in a London slum and abandoned by its parents, is tossed about and quarrelled over by various officials and charitable associations of London. The book is out of print, but by no means out of date.

English Charity Organization is the subject of a valuable article recently published in the *Baltimore Sun*, March 30, 1887. The article was written by Mr. D. R. Randall, of Annapolis, fellow in history at the Johns Hopkins University, with some valuable additions by Mr. John Glenn. It is based upon material like that already cited and upon Judge Fisher's inquiries in England. The essay is reprinted as an appendix to this sketch of the literature of charities as a local contribution to the subject, and as a good illustration of how special knowledge, study, and observation may be popularized and made useful through the daily press. It is interesting for example, to read, in the above sketch, of the work of Thomas Chalmers in Glasgow and of Octavia Hill who is called "the centre of a planetary system of workers who have the care of three thousand tenants in the city of London." This latter work is of special interest to Baltimoreans because it is founded upon the model tenement-house system, established for the poor of London by George Peabody.

THOMAS ARNOLD.

One of the earliest of modern Englishmen to interest himself in the moral elevation of the masses and in the proper application of charity was Thomas Arnold, the head-master of Rugby. The reading of his biography, written by the late Dean Stanley, will afford a good starting-point for the study of that interesting movement called Christian socialism, which is now spreading over England. This movement means the organized and personal effort of good Christians to regenerate the lower strata of English society. Dr. Arnold's essay on

"The Social Condition of the Operative Classes," reprinted in the volume called Arnold's Miscellaneous Works, from his original letters to the *Sheffield Courant*, in 1832, is highly suggestive. The essay teaches the great historian's practical method of utilizing the daily press for reformatory work. Arnold even founded and supported for a time a newspaper of his own, conducted in the interest of social reform. He maintained that society "should put the poor man, being a freeman, into a situation where he may live as a freeman ought to live." In Arnold's view the great agencies for the social reform of England are the Christian Church and the English aristocracy. In a letter to Mr. Justice Coleridge, Dr. Arnold said, "I would give anything to be able to organize a Society 'for drawing public attention to the state of the laboring classes throughout the kingdom.' . . . A Society might give the alarm, and present the facts to the notice of the public. It was thus that Clarkson overthrew the slave trade."

ENGLISH BIOGRAPHY.

Following Arnold came the social reformers, Frederick Denison Maurice, Charles Kingsley, Thomas Hughes, and Frederick W. Robertson. If one would realize from concrete examples how useful a single human life may be in the improvement of the condition of society, he should study the work of these men. The life of Maurice, chiefly as told in his own letters, has been edited by his son, Colonel Frederick Maurice, in two interesting volumes. A good *résumé* of the same may be found in the *Contemporary Review* for March, 1884. Letters and Memories of the life of Charles Kingsley, by his wife, have also been given to the public. Thomas Hughes' life-work is known and read of all men who are interested in the progress of practical Christianity in England. The Life, Letters, Lectures, and Addresses of Robertson have been edited by Stopford A. Brooke and published by the Harpers in New York. A series of lectures upon these chris-

tian workers has been given by Baltimore clergymen and others to university men on Sunday afternoons and should be repeated to workingmen.

Symington's biographical sketch of Thomas Chalmers, who very early engaged in the reformation of charities in Glasgow, should be studied. There is a good article upon Chalmers in the *Encyclopædia Britannica*. The writings of Chalmers upon Charities are very important, notably his treatment of the Parochial System and Pauperism, and the Civic Economy of large Towns. The autobiography and memoir of Thomas Guthrie are also to be recommended. To the biographical literature of charities belong the Letters and other Writings of Edward Denison, M. P., for Newark, and the Life and Letters of James Hinton.

Among recent biographies, the Life of Lord Shaftsbury deserves the first place, because of the excellence of the character displayed, the long and eventful period which the memoir covers, and the great variety of social problems to which reference is made. The three volumes are too extended for general perusal, but they will be found most serviceable for reference particularly as to the employment and proper care of neglected children, the housing of the poor, the supervision of lodging-houses, the improvement of insane asylums, and the promotion of temperance. Legislation in respect to factory operatives is another of the themes to which Lord Shaftsbury devoted a great deal of thought. It would be difficult to name any work which gives a more comprehensive review of the charitable movements in London during the reign of Queen Victoria.

The Life of James Fraser, Bishop of Manchester, recently written by Thomas Hughes, illustrates the efficiency of an Oxford Fellow, called from a country parish to be the head of a diocese in which all the modern industrial problems are being worked out on a grand scale. He devoted himself without reserve to the promotion of all good things in Lancashire and was sometimes called the Bishop of the Laity and

sometimes the Bishop of the Dissenters, so ready was he to co-operate with all Christian workers. The education of the people was one of the subjects in which he was most interested and to many people in this country he is chiefly known for his report upon American Schools; but the Labor Question, and the subordinate matters of Trades Unions and Co-operation, exercised his mind during all his episcopate. He was a noble man, as exemplary and as inspiring as any one who has lived in England since Maurice and Kingsley.

Passing from the lives of men, eminent for their work in social reform, let us note the Lives of Miss Carpenter of Bristol, of Sister Dora, and of Elizabeth Fry as among those which are helpful to all who are interested in the work of women, in the improvement of prisons, hospitals, and reformatories. The useful lives and writings of Octavia and Florence Hill, who have done much for improving the housing of the poor, cannot be studied too carefully.

ARNOLD TOYNBEE.

One of the most interesting modern developments of enlightened charity and Christian socialism in England is the Oxford University movement in the great city of London. A few years ago Arnold Toynbee, tutor of Balliol College, Oxford, and a company of his friends, graduates of that institution, took hold of the almost hopeless task of reforming East London. "For several months in successive years," says Professor Jowett, the biographer of Toynbee, "he resided in Whitechapel, and undertook the duties of a visitor for the Charity Organization Society. There he lived in half-furnished lodgings, as far as he could after the manner of working men, joining in their clubs, discussing with them (sometimes in an atmosphere of bad whiskey, bad tobacco, bad drainage) things material and spiritual—the laws of Nature and of God." Toynbee set himself resolutely against some of the extreme socialistic views of men who had been excited by

agitators and misled by theorists. Indeed, he lost his life (1882), at the early age of thirty, in combating economic error upon the lecturer's platform. He was, however, no champion of the "dismal science." He was one of the most gifted apostles of the New Political Economy¹ which means humanity in business and everyday life. Toynbee understood affairs, both high and low. He was the treasurer of Balliol College, Oxford, and the true friend of the workingman. If you would know what he thought about Political Economy, read his published lectures on the Industrial Revolution in England, together with a short memoir of the author by Professor Jowett, master of Balliol College (Rivingtons, London, 1884). If you would know what people are beginning to think about Toynbee and his work, read the short sketch of "Toynbee Hall," in the May number (1887) of *The Century*.

Although the young economist died, his friends took up his social mission and established a colony of Oxford graduates in East London, the workingmen's quarter. Money was raised; Toynbee Hall was erected. There these students live and work. The building is the headquarters of the organized charities of East London; it contains a lecture-hall, where popular instruction and good concerts are given. Classes in history and political economy, reading clubs, singing classes, drawing classes, magic lantern illustrations of geography, instruction for the deaf and dumb, training in the practical arts,—all these things and many more have been instituted at Toynbee Hall in the notorious East End. In *Lend a Hand*, May, 1887, there is an article upon Toynbee's work, by the Rev. J. S. Gilman, showing that between twenty and thirty university men were engaged last year in charitable work in connection with Toynbee Hall. Expenses were met by grad-

¹The change which is coming over English economic thought is most decided at the Universities of Oxford and Cambridge. It is well represented by the article on "Political Economy," by J. K. Ingram, of Trinity College, Dublin, in the new edition of the *Encyclopædia Britannica*.

uates and undergraduates of Oxford and other universities. Indeed, the whole work of Toynbee Hall is sometimes spoken of as "The Universities' Settlement in East London."

It is worthy of note that these young Englishmen do not affect any appearance of roughness in their dress and manner, nor any austerity in their mode of life. Toynbee Hall is really an English University Club established in East London. University-men have comfortable, well-furnished rooms, with private libraries and all the conveniences of student-life that are possible in a university colony. To affect asceticism and poverty would be to repeat the mistake of mediæval monks. The idea of the men of Toynbee Hall is to carry university-culture into the very heart of East London in social, civilizing, reforming ways. Workingmen do not think any the less of these manly, athletic young fellows because they live like gentlemen. On the contrary, East London people are proud of having university men as neighbors and would perhaps send them all to Parliament, to represent the labor party, if that were possible by an East-End *plébiscite*. Toynbee Hall has all the advantages of a modern English Club and all the virtues of a Benedictine monastery. It is a centre of learning and civilization in a savage district. It is a shining example of well-ordered, social life. Every workingmen's club in the East End will sooner or later be improved and elevated by the influence of Toynbee Hall.

It is an interesting and suggestive fact that a work similar to the social mission of Oxford students in London has been for some time in progress in the poorer quarters of the city of New York. A few college graduates, some from Amherst, men studying theology or practising law, and two or three young instructors connected with Columbia College, are carrying the germs of moral and social reform into the very worst regions of the metropolis. At least one College-man has taken comfortable lodgings in lower New York and often invites a few poor people to his cheerful rooms for a pleasant evening to meet his student friends. This healthy, hearty

spirit of good-fellowship and social endeavor, without cant and sham, is the result of various influences, ethical, religious, and personal. Not the least is that of Mr. Stanton Coit and other Amherst men. Some idea of what sort of moral leaven is working among some of the college and university men of New York City, and elsewhere, may be had from an article on the Christian Socialists, in the *Political Science Quarterly* for June, 1886, by Dr. Edwin R. A. Seligman. It is a most appreciative sketch of the life-work of Frederick Denison Maurice, Charles Kingsley, and of the modern English movement toward the application of Christian ethics to actual life. Christian realism or secularized Christianity is by no means confined to England. It pervades France and Germany. It crops out in Russia in Tolstoi, the Russian novelist, who lives and works among his peasants. It is the old spirit in new and practical forms.

SOCIOLOGICAL NOVELS.

Toynbee Hall is the headquarters of the "Beaumont Trust" which is the economic basis of the People's Palace, opened by the Queen May 14, 1887, but foreshadowed by Charles Kingsley's "Alton Locke" and Walter Besant's "All Sorts and Conditions of Men." (Besant describes the People's Palace in the *Contemporary Review* for February, 1887.) These novels, together with Besant's "Children of Gibeon," throw a flood of light upon the actual condition of the working classes of England, their mode of life, their natural attitude toward their own elevation, toward capital, and the higher organizations of society, whether school, college, church, or state. Invaluable suggestions are given to well-disposed persons, showing them how they may succeed in giving practical shape to their philanthropic efforts, so as to avoid disappointment and waste of energy. Sociological novels like these, and George Eliot's "Felix Holt," and Miss Fothergill's Lancashire stories, have already accomplished great good in England. That country, in spite of its landlordism and class-distinctions, is many years

nearer the enlightenment of human selfishness, nearer the ultimate harmony of capital and labor, nearer the economic organization of Christian charity, nearer self-help and honest government than is our own country. The way to an appreciation of these facts lies through English social science and a study of the work actually in progress in English manufacturing districts, where workingmen in many instances, through successful organization, have become small capitalists and whence they send to Parliament, instead of ignorant demagogues, men of intelligence and property, who are really the best friends of the common people. The time is surely coming in America, if it is not already here, when workingmen will recognize that there are other forms of labor than the work of men's hands; that their own brain and skill and economic thrift are forms of capital. Indeed the *labor of capital* and the *capital of labor* will some day become convertible terms.

WORKINGMEN'S CLUBS.

An article in the *Christian Union* for May 5, 1887, shows that, at the present time, there are in London about one hundred workingmen's clubs, or voluntary, self-supporting labor associations. They are most numerous in East London and their membership varies from 250 to 1,000. They have their own halls of assembly, often a billiard-room or restaurant. Frequently the clubs have reading-rooms and lecture-halls. Lectures are usually given on Sunday. The opinions of the laboring classes are moulded in these clubs. Here are the centres of agitation upon economic and political questions. These clubs are often the scenes of noisy discussion and of socialistic argumentation: but the English workingman is usually a very sensible fellow, far more likely to be moved by practical considerations than by mere theories of the reconstruction of society. Walter Besant says, in his article on the Amusements of the People, (*Contem. Rev.*, March, 1884) "our English workingman is not a firebrand, and though he listens

to an immense quantity of fiery oratory, and reads endless fiery articles, he has the good sense to perceive that none of the destructive measures recommended by his friends are likely to improve his own wages or reduce the price of food." In very many instances, as in our own country, the working-man's instinct and judgment upon public questions are very sound.

A valuable article on the Political Education of Workingmen appeared in the *Boston Advertiser*, October 27, 1882, describing the work of the Social and Political Education League, of which Professor J. R. Seeley, of Cambridge, is president, and of which London is the centre. The work consists of lectures by educated men upon questions of the day. The lectures are given in the workingmen's halls and clubs, wherever an opportunity is afforded. The necessary expenses, cost of advertising, etc., are met by the local organization. Such subjects are treated as Cavour and Modern Italy, Bismarck and Socialism, the Constitution of the United States, the Participation of Labor in the Profits of Capital, etc. The work of this Education League is not partisan. It is the idea of Professor Seeley that the English people, like university students, can be taught to study politics and social problems in a scientific, unprejudiced way. "He has completely renovated historical studies in his own university of Cambridge, and he is of the opinion that the same kind of work which has been carried on amongst university students might, on a more limited scale, be undertaken amongst the more intelligent workingmen." Some of the leading professors of England, James Bryce, Bonamy Price, and A. V. Dicey, have taken a part in this useful work.

There is also in England, among the workingmen, a great deal of political education along party-lines. For several years, the liberal party has been vigorously engaged in the propaganda of liberal doctrines among the workingmen by means of popular lectures. The machinery of workingmen's clubs is everywhere employed. The great centres of activity are London, Birmingham, and Manchester.

A most interesting development among the common people is the parliamentary debating society, for the discussion of public questions. It is based upon the forms of procedure now in vogue in the house of commons. The societies have their speaker and sergeant-at-arms; the mace plays its ancient part in preserving order; there is a ministerial party and an opposition; bills are introduced and debated with all due formality. These miniature parliaments are awakening political intelligence throughout all England. As a means of education they are quite as valuable as New England town-meetings. England is re-creating herself politically by this popular exercise of free speech and the forms of self-government.

UNIVERSITY-EXTENSION LECTURES.

An instructive account of the remarkable sociological experiment now in progress in the manufacturing district of Manchester was lately given by one of its representatives, Mr. Rowley, to the students of history and political science at the Johns Hopkins University and was reported in the Baltimore papers (*Sun* and *American*) for April 6, 1887. Mr. Rowley described the successful co-operative efforts of the workingmen and their friends to make life more tolerable among the cinder heaps of that great manufacturing city. He told us of the system of "University-Extension" lectures which are given under the auspices of a workingmen's association or labor institute. This system of education is not superimposed upon the men, but they themselves, under good leadership, have organized it and pay for it, at least in part. The workingmen, through their secretary, send up to the University of Oxford asking for a lecturer on English history or Political Economy.¹ The University Senate appoints the

¹A text-book on "The Economics of Industry" by Alfred and Mary Marshall "was undertaken at the request of a meeting of Cambridge University-Extension lecturers" and was published by Macmillan, 1885.

man, usually an enterprising tutor, of the Toynbee school, who is abreast with the times and in sympathy with his fellow men. He goes to Manchester for a small fee and his expenses. Not only are interesting lecture-courses given to appreciative audiences, but class-courses and examinations have been instituted. Public readings are also given. Excellent concerts are afforded. Choice literature is distributed in inexpensive editions. The managers insist upon having the best, whether in reading, music, or lectures. Second rate performances are ruled out and professional bores are not tolerated. The most encouraging thing about this experiment is that it promotes organized self-help and partly pays for itself. Similar experiments have been undertaken in other parts of England. An interesting description of "The Extension of University Teaching" not only by Oxford but by Cambridge, Owens College, the Victoria University, etc., may be found in *The American* (Philadelphia), April 30, 1887. The writer, John Leyland, says the scheme is under contemplation by the universities of Scotland and has already been adopted by the University of Sydney, Australia. A pamphlet on the University-Extension Movement, by Richard G. Moulton, M. A., Cambridge, with an introduction by Professor Stuart, M. P., has been published by Bemrose and Sons, 23 Old Bailey, London, Price 3d. The pamphlet contains all the business-details connected with this novel system of carrying higher education from university centres to the people at large. Professor Stuart says "It embodies the experience of the Cambridge University-Extension Movement, in connection with which six hundred courses of lectures and classes have been held during the last ten years, with a total of sixty thousand pupils of nearly all classes of society, and in most districts of England." The system aims at popular audiences, in which a nucleus of earnest students, men and women, is always found. Arrangements are made by local committees. The University simply supplies lecturers. It should be remembered by all passive admirers of this interest-

ing educational experiment that it has its business-side. It is a question of local demand and central supply. Education, like all true charity, should be so directed as to yield, if possible, some economic return. Moral returns, the promotion of intelligence and individual energy, go without saying. Any system of educational philanthropy which gives everything and exacts nothing is in danger of becoming prodigal waste. It is not to be expected that the higher education can ever be made to pay in dollars and cents, but it should not be demanded by the people as a free gift. Even common schools are supported by taxing the community which they profit. In England it has been found by experience that fully one-half of the expense of University-extension lectures can be met by the sale of tickets; the balance is obtained by subscription and private philanthropy. In a large sense, the outlay pays; it results in the moral, social, and intellectual elevation of great towns and manufacturing districts. The small fees paid by workmen for their own improvement are an investment of untold value, yielding returns not only in useful knowledge but in character and manly independence which are beyond price.

AMUSEMENTS FOR THE PEOPLE.

Charity often takes other forms than the giving of food and raiment. Popular amusements of an elevating kind, such as public readings, lectures, concerts, free days in museums and galleries of art, the use of circulating libraries, book and magazine clubs, recreation grounds, open air sports, entertainments in summer, good music, winter gardens, are eminently worthy of charitable and organized effort. One of the most suggestive and valuable books in this line is Washington Gladden's *Applied Christianity* (see also his article in *The Century*, January, 1885, on Christianity and Popular Amusements). The gospel of green grass and fresh air needs to be presented now and then to the working people. Most sensible

are the words of Octavia Hill in her charming essay on Open Spaces (see her book on *Our Common Land*). She advocates "the provision of small open spaces, planted and made pretty, quite near the homes of the people, which might be used by them in common as sitting-rooms in summer." She says "There are two great wants in the life of the poor in our large towns, which ought to be realised more than they are—the want of space, and the want of beauty." These wants are even more conspicuous in some of our American cities than in Old England, where, in proportion to the population, vastly more open space is preserved in public squares than with us.

It is, however, deserving of note that in certain manufacturing districts of this country, employers have shown a humane regard for the health, comfort, and recreation of their employees. South Manchester, Connecticut, has been made a Paradise of labor by the Cheney Brothers, although upon the paternal plan, resembling the experiment at Pullman, Illinois. At South Manchester there are model tenement houses, with gardens attached, for the cultivation of flowers and vegetables. The town has gas, water, concrete walks, and plenty of green grass. Games, lectures, amateur theatricals, etc., are encouraged by the proprietors. In *Harper's Magazine* for November, 1872, there is an illustrated article by Edward Howland on the Industrial Experiment at South Manchester. Dr. Richard T. Ely, in *Harper's Magazine* for February, 1885, has given a less favorable view of Pullman.¹ At Ashton,

¹ An earlier industrial experiment than Pullman or South Manchester was that at Saltaire, a model manufacturing town, founded in 1853 by Sir Titus Salt upon the river Aire in Yorkshire, England. This town has a social club or literary institute, with a cheerful library, class rooms, a gymnasium, billiard room, and a large hall for lectures, readings, concerts, etc. Fees for membership are very low so that the privileges of the institute are brought within the reach of all. One half of the board of governors of this social club are appointed by the capitalists and the other half are elected by the operatives. A beautiful park of fourteen acres was laid out

Rhode Island, the Lonsdale Company, which owns various mills along the Blackstone river, purchased some time ago recreation grounds opposite their mills for the encouragement of open-air games among their workingmen.

The Rev. Robert Murray, Jr., writing of this experiment to Mr. W. E. Foster, of Providence, says: "The Lonsdale Company has always pursued a liberal and thoughtful policy towards their employees, and it seemed to them that it would be an excellent thing for them to have such grounds, to which they could resort on the Saturday half holidays, and on the long summer evenings." Mr. Murray says that, when the grounds were first opened, addresses were made by the superintendent, by a Catholic priest and by an Episcopal clergyman. "These grounds consist, I should say, of forty or fifty acres. They are on a sort of plateau that rises eighty or one hundred feet above the Blackstone river. They are fringed by a young growth of trees, which in a few years will be large enough to furnish a grateful shade. The approach to them along the river banks and through quite a stretch of woodland is very pleasant. They are duly appreciated by the operatives, and they resort to them every pleasant Saturday afternoon to witness or take part in games of cricket, base ball, or foot ball; and they have occasional picnics on the ground, at which they remain on moonlit nights till ten o'clock or later. I think they answer an excellent purpose and have met a great need

along the bank of the river Aire in 1871. The river-site is convenient for boating and for bathing-places. Saltaire has its factory-schools, its churches, infirmaries, and other model institutions. Although the town was created by the mill-owners, the purchase of land-lots and the erection of cottages by operatives is encouraged. "Sir Titus has taught the English capitalist to what noble duties it is possible to devote himself, and the English laborer that the barrier between the sympathies of the master that overlooks and the man that works may be broken down, in a yet wiser age, in other ways than by hostile combination." See *Harper's Magazine*, May, 1872,—*"Saltaire and its Founder."* This popular and useful magazine has rendered good service to American and English readers by its attention to industrial experiments and social questions.

here. Time which otherwise might be wasted at the rum-shops, or spent in listless inactivity at home, is here improved to purposes of health and recreation. Those whose constant work is in noisy mills enjoy, I know, the green fields and the woods greatly; and hence they resort to these grounds whenever they can. I heartily approved of the scheme when it was first talked of, and thus far I know of no other than good results from it."

A less idyllic but more generally characteristic picture of the amusements afforded by the best New England manufacturing towns is seen in the following extracts from a letter to the writer of this pamphlet by Mr. F. J. Kingsbury, of Waterbury, Connecticut: "In Waterbury we have, near by us, woods and fields which the public are free to traverse and large tracts of open land where Irish boys play ball and build bonfires and steal wood and corn and set the woods on fire, and enjoy themselves much. We have a rural cemetery of thirty acres or so neatly laid out, where people can go and walk if they will behave themselves tolerably well, but picnics are not allowed. We have a ball ground (admittance twenty-five cents) well patronized, also a Y. M. C. A. ground for ball and other games. A public square of three or four acres and a band-stand with electric lights, but no seats. We have a toboggan slide and several beer gardens, all for workingmen who will pay for them. With perhaps some slight variations, the above may be taken as a description of any of the larger towns in the state. In my youth the workingmen and boys had debating clubs in the winter time. I think these are not wholly unknown among workingmen even now; but debating and discussion of questions, abstract or concrete, is much less the fashion now, whether with the workingman or the college student, than it was a generation ago.

"I should say that the greater portion of the amusements of the working people is furnished now by various organizations, such as masons, odd fellows, young men's Christian associations, fire companies, military organizations, and others

of a less general character. Many of the churches, too, seem to be turned into pleasure-seeking clubs. Under these associations, excursions are made, picnics organized, games played, dramatic exhibitions, lectures, and concerts exploited. The grounds for these, so far as they can be carried on in the open air, are largely furnished by railroad companies, who have grounds for the purpose neatly laid out and well cared for, somewhere on the line of the track, in the vicinity of every large town, furnished with boats, swings, bowling alleys, tennis-courts, etc., which they allow parties free use of under certain restrictions, getting their remuneration from the transportation which results in carrying parties to and fro. Many of these organizations are encouraged and assisted by the public, by contributions and in other ways, with a view, more or less clearly defined, of furnishing healthy diversion to the working people. I know of no case, however, where these have been encouraged systematically with this avowed object in view.

"In Western Connecticut, the laborers are largely owners of their own homes. The care and adornment of these furnishes a desirable occupation and recreation to the owners. We have in this town whole streets of houses with neat courtyards, with flowers both out and inside, and all the surroundings not only pleasant and cheerful but elegant. This is to my mind a very important factor in the well-being of our laboring class.

"It is always dangerous to the moral stamina of a people to do too much for them. The impulse must come from inside, from the people themselves, to be successful; then they can be helped and encouraged; but, to get any good results that will be permanent, the people themselves must wield the laboring oar."

These sensible words by Mr. Kingsbury contain a wholesome corrective to extreme forms of social charity which would do all and exact nothing. Mr. Kingsbury points out, moreover, the healthy growth now actually apparent amid the envi-

ronment of New England workingmen, and also the evils and abuses with which all local reformers are compelled to struggle.

SUMMER GARDENS.

Philanthropists and city fathers have very one-sided ideas concerning the requirements of public parks. What men, women, and children need, in our large towns, is not simply a magnificent rural estate, a vast domain, several miles from where they live, costing time and money to visit; they want also summer-gardens near home, bits of open ground and green grass here and there throughout the vast Sahara of brick houses, paved streets, and sidewalks. Every great city needs air-holes. There ought to be a general law requiring a certain per cent. of all land laid out for building purposes in towns to be kept open, like thoroughfares for the public. Most American cities have unconsciously or wilfully drifted away from the wholesome example of old English municipal life, with its town commons and numerous open spaces. New York is one of the first to attempt to recover its lost ground. Mayor Hewitt has taken the lead in securing breathing spaces for the densely-populated districts of the great metropolis. An act has recently passed the New York legislature to provide for the location, acquisition, construction, and improvement of additional parks in the city of New York and this act was signed by Governor Hill May 14, 1887, the same day as that on which the People's Palace was opened in London. The board of street opening and improvement have power to condemn property and open as many parks below 155th Street as they may think best. It is a colossal power to grant to a municipal board but the public health requires it.

Upon the subject of the sanitary, physical, and educational advantages of Interior Open Spaces in Large Cities there was a valuable paper read before the American Public Health Association, in 1882, and now published, by Timothy Newell, M. D., of Providence, R. I., author of a pamphlet of the Parks

of the leading cities of this country and their advantages, with special consideration of the Parks of Providence. On the Justifying Value of a Public Park, there is a good paper by Frederick Law Olmsted, a specialist in such matters, published in the *Journal of American Social Science*, No. 12. The *Nineteenth Century* for May, 1887, has an article on Breathing Spaces for Cities. Brabazon's *Social Arrows* contains one or two good articles entitled a "Plea for Public Playgrounds." The *Social Statistics of American Cities*, tenth census, contain a full account of the parks and pleasure-grounds, as well as the means of popular amusements in our large towns.

JEVONS ON AMUSEMENTS.

A very suggestive essay upon the subject of Amusements for the People is that by W. Stanley Jevons, first published in the *Contemporary Review* for October, 1878, and since made the initial chapter of his book on *Methods of Social Reform* (1883). Professor Jevons points out the degradation into which the sports and fairs of "Merrie England" have fallen. He draws a striking contrast between the brutality of popular amusements in his own country and the elevating healthful recreations of the Continent. He recognizes, however, the good which the Crystal Palace has done in England and says it is "the most admirable institution in the country. . . . It has proved, once for all, that with noble surroundings, with beautiful objects of attraction, and with abundance of good music, the largest masses of people may recreate themselves, even in the neighborhood of London, with propriety and freedom from moral harm." He quotes authority for the statement that "not one person in a million among the visitors to the Crystal Palace is charged with drunken and disorderly conduct," and says "this is worth a volume in itself." Mr. Jevons unhesitatingly asserts that the deliberate cultivation of public amusement is the principal means toward a higher civilization. He advocates especially the cultivation of music and restful

open-air concerts, where people sit tranquilly and enjoy the highest of the arts. Mr. Jevons agrees with Aristotle (*Politics*, book viii.) that music is the best means of recreation. The great superiority of the Danish common people in Copenhagen to the English in London, as regards good breeding and general culture, Mr. Jevons attributes not alone to popular education but to the Tivoli Gardens and the Thorwaldsen Museum. The history and degeneration of open-air places of amusement in England is suggested by Jevons upon the authority of Knight's *Pictorial History*, Morley's *Bartholomew Fair*, and Stowe's *Survey of London*.

In another essay, the *Use and Abuse of Museums*, now first published in the posthumous volume above mentioned, Professor Jevons criticises the present arrangement and administration of museums. "There seems to be a prevalent idea that if the populace can only be got to walk about a great building filled with tall glass-cases, full of beautiful objects, especially when illuminated by the electric light, they will become civilized." Mr. Jevons thinks the multiplicity of objects is too distracting and advocates a greater unity of effect by better classification and local distribution. For example, he would endeavor to differentiate and bring out clearly and sharply the characteristics of Greek life and art, without confusing and jostling it with Assyrian or Egyptian art. He would concentrate attention upon particular things, as upon the *Pompeian House* at the Crystal Palace, where the beholder has a perfect picture of Roman life and manners. Mr. Jevons thinks the great charm and wonderful influence of the Thorwaldsen Museum at Copenhagen are due to the unity of impression made by the works of one great artist upon the popular mind. Thus would Mr. Jevons have all museum collections grouped and sharply distinguished by effective contrasts. He would introduce the museum-idea into our public schools, but would not exhibit too much at a time. He would have things kept in a cupboard or under opaque glass and brought out, a few at a time, like illustrative dia-

grams, to serve a particular purpose of instruction. There is great sense in all this and at the same time great encouragement to small exhibitions and small collectors. It is safe to say that, in every community, the public can be really more profited by having their attention directed to a few good pictures or a few choice things worth seeing in sequence and by a well-arranged succession of special exhibitions, artistic or industrial, than by bewildering the mind with a chaos of impressions, like that produced by one day in the British or South Kensington Museum. Mr. Jevons intimates that the attentive study of a steam-mill grinding coffee in a shop-window will do a boy more good than a run through the galleries of England's greatest collections of art and nature. He says "The whole British Museum will not teach a youth as much as he will learn by collecting a few fossils or a few minerals, *in situ* if possible, and taking them home to examine and read about.

BESANT ON AMUSEMENTS.

Walter Besant, the English novelist, is the author of an excellent article on the Amusements of the People, in the *Contemporary Review* for March, 1884. He shows that, within a century, England has outgrown the ruder amusements of bull- and bear-baiting, dog-fights, cock-fights, rat-fights, prize-fights, "open air floggings for the joy of the people," etc. The workingmen of our time have learned to read; but the facilities for reading are still woefully inadequate, *e. g.*, "one free library for every half-million" of people in London. The present amusements of working people are theatres, music halls, public houses, Sunday excursions, and the parks. The great mass of men have no accomplishments and no healthful games. They are not taught to enjoy life. "The Bethnal Green Museum does no more to educate the people than the British Museum." Mr. Besant pictures a People's Palace, where there shall be class-rooms for all kinds of study; concert-rooms; conversation-rooms; a gymnasium; a library; and

a winter garden. The practical arts as well as literature and science should be taught. By the ladder of learning men should mount unto higher things, "as has ever been the goodly and godly custom in this realm of England."

Mr. Besant pays a warm tribute to the work of Mr. Charles Leland in Philadelphia who has quietly instituted an academy of the minor arts, for teaching "shop-girls, work-girls, factory-girls, boys and young men of all classes together," certain useful and ornamental arts. "What has been done in Philadelphia amounts, in fact, to this; that one man who loves his brother man is bringing purpose, brightness, and hope into thousands of lives previously made dismal by hard and monotonous work." The same kind of work is in progress in the Maryland Institute of Baltimore, although among people of a higher class. In the *Contemporary Review* for February, 1887, Mr. Besant has described in greater detail the People's Palace which is now a reality in London. The subject of Amusements for the Poor in this country was treated some years ago in a magazine article published in the *Old and New* (now discontinued) Vol. X, p. 258. The Recreation of the People is the subject of a paper in the *Journal of American Social Science*, No. 12, by George B. Bartlett.

THE HOUSING OF LABOR.

The establishment of more healthful conditions of home-life for the laboring class is another problem worthy of careful study and organized philanthropy. George Peabody, of Baltimore and London, set the world a lasting example in the institution of improved tenement-houses for the poor of London. The Homes of the London Poor have been described by Octavia Hill, who has "thrown much light on the problem of preventing pauperism by improving the homes of the poor." The Housing of the London Poor is treated also in the *Contemporary Review* for February, 1884. There is considerable literature upon the general subject. Mr. R. R. Bowker is

the author of a valuable article on Workingmen's Homes, which appeared in *Harper's Monthly Magazine*, for April, 1884. In *Scribner's Magazine* for February, 1876, is an article by Charles Barnard on A Hundred Thousand Homes, "descriptive of the small houses of Philadelphia and the system by which poor people became their owners." A Building System for great Cities is described in the *Penn Monthly* for April, 1877, by Hon. Lorin Blodget. The Tenement House System of New York, with facts and statistics, is the subject of a pamphlet report by H. E. Pellew, New York, 1879. Improved Dwellings for the Laboring Classes is the title of papers by Alfred T. White, who treats his theme from a business point of view. In 1885, a royal commission published its first report on the Housing of the Working Classes in England and Wales. "How the Poor live," by G. R. Sims, presents a sad picture of the condition of London's poor. It is estimated that there are forty thousand families in that city occupying each not more than a single room. A quarter of a million of English people living like pigs in a sty! Professor Huxley declares that the condition of society in these "slums" is worse than that of West African savages. A writer in the *Contemporary Review* for February, 1884, on the Housing of the London Poor, says: "Family life with one room to a family—a sole chamber in which to be born, to eat, to drink, to sleep, to work, to live, to be ill, to die, and to be laid out in after death, is not the ideal dwelling either of the sanitary or of the social reformer." The most distressing moral picture of domestic communism in these slums is given in a tract called *The Bitter Cry of Outcast London*. This one tract has done much to awaken charitable England to the horrors of the London situation. *Lazarus at the Gate*, by Francis Peek, author of *Social Wreckage*, is a stirring appeal for legislation which shall reach landlords who allow such horrors as now prevail in their tenement-houses (see *Contemporary Review* for January, 1884).

Die Stätten des Elends in London, is the subject of an

article in the *Deutsche Rundschau* for January, 1885, by Albert Duncker. Professor Huber is the author of a monograph upon *Wohnungsnoth der kleinen Leute in grossen Städten*. A very practical and detailed work on buildings for workmen has been published in Prussia with the title *Die Einrichtungen für die Wohlfahrt der Arbeiter der grösseren gewerblichen Anlagen im Preussischen Staate*, with a book of plates, showing plans of construction, pictures of houses, etc. The work was published under the direction of the ministry of commerce, industry, and public works, Berlin, 1876. More accessible to American readers and of immense practical value is Carroll D. Wright's report on the Factory System of the United States, with pictures of model houses for workingmen in England, France, Belgium, Prussia, Connecticut, and Massachusetts (United States Census, 1880, Statistics of Manufactures). The Social Statistics of Cities, also published in the Tenth Census, compiled by George E. Waring, Jr., is an invaluable work and a great honor to statistical and sociological science in America. In this connection these statistics are valuable for the study of questions of house-drainage and sanitation. The work contains also the history of American towns and cities, with an account of their institutions, and with instructive municipal maps.

SAVINGS BANKS.

The promotion of economy and savings among the working classes is one of the highest kinds of organized charity. It promotes thrift and self-respect. "A History of the Banks of Saving in Great Britain," by William Lewins, London, 1866, is by far the best work in English. It is a masterly account not only of the actual operations of English Savings Banks with their beneficent effect upon the poorer classes, but it traces the course of all philanthropic efforts that have made progress in this field. Lewins' description of the origin and establishment of the Postal Savings Banks is especially good.

Professor Laurent of Ghent, is the father of School Savings Banks and has published valuable pamphlets on the subject. England, France and Germany, got their cue for their School Savings Banks from the system established by him in Belgium.

Le Journal des Économistes and *L'Économiste Français* contains many good articles on the French System.

The German *Jahrbücher für Nationalökonomie und Statistik und für Gesetzgebung*, and the *Vierteljahrschrift für Volkswirthschaft* all contain discussions of the German Municipal Savings Banks and the proposed Postal system.

The best international statistics of savings are those published by the Bureau of Royal Statistics of Italy.

The "History of Savings Banks in the United States," 2 vols., 1878, by Emerson W. Keyes, includes in a well-arranged and compact form all the important facts bearing upon the growth and reverses of these institutions in America from their inception in 1816 down to 1877. Mr. Keyes singles out in an admirable way the test provisions in the laws pertaining to savings banks, such as those regulating the investment of their funds and their supervision. But the banks are treated too much as an end in themselves.

The *Bankers Magazine* contains summaries of reports as they appeared, and now and then it has articles discussing the different systems of savings.

The state reports of the savings banks in the New England and Middle States are valuable to the student.

POOR LAWS AND PAUPERISM IN ENGLAND.

The condition of English and American almshouses and workhouses, and other agencies for the relief of pauperism cannot be understood without some historical reading. The poor laws of this country are based upon those of England, and the latter proceed from a remarkable statute of the forty-third year of Queen Elizabeth (cap. ii.), 1601, an Act for the Relief of the Poor. Three principles are embodied in this

law: (1) the provision "for setting to work all such persons married or unmarried having no means to maintain them and use no ordinary and daily trade of life to get their living by;" (2) Relief of the lame, impotent, old, blind, and such other among them being poor or unable to work; and (3) Putting out of neglected children to be apprentices. Of this statute, Sir George Nicholls, in his *History of the English Poor Law*, says: "the great turning-point of our Poor Law Legislation is still the foundation and text-book of English Poor Law." The circumstances which led to this enactment, and the subsequent legislation, especially that which proceeds from the inquiries of the poor-law commissions (1830-37) may be fully understood by a perusal of Nicholl's work. He is also author of a *History of the Scotch and Irish Poor Laws*. In the *English Citizen Series* a volume by the Rev. T. W. Fowle is devoted to the Poor Law (London, 1881).

The report of the Poor-Law Commission, published in 1834, has great historical value and was reprinted not long ago by government-order. The Poor Law of Foreign Countries is the subject of a special report by the Local Government Board, 1875. F. C. Montague, in a Cobden-Club tract, on the Old Poor Law and New Socialism, reviews the operation of English Poor Laws and strongly opposes state-charity. In reading this tract, one is impressed with the fact that England has repeated, in a modified form, the old Roman experiment of largesses to the common people, which inevitably result in pauperism. The principles of legislation with regard to property given for charitable and other public uses is the subject of a valuable work by Courtney Stanhope Kenny, published in London in 1880. Francis Peek is the author of *Social Wreckage*, a review of the laws of England as they affect the Poor. A. W. Sieveking has treated the principles of charitable work. Pauperism and Self Help is the subject of an article in the *Westminster Review*, 103: 107. Octavia Hill has written on the Importance of aiding the Poor without Almsgiving. Florence Hill has called attention to the Chil-

dren of the State and the training of Juvenile Paupers. *Das Englische Armenwesen* is treated in the German *Jahrbuch für Gesetzgebung*, 1886, p. 199. London Alms and London Pauperism is the subject of an article in the *London Quarterly*, for October, 1876. Pauperization, its Cause and Cure, and Depauperization are two tracts by Sir Baldwin Leighton. Thrift as a test of Out-door Relief is a pamphlet by George Bartlett.

PAUPERISM AND CHARITIES ON THE CONTINENT OF EUROPE.

While the experience of England in the improvement of the condition of society is most available for Americans, it is important to add that France, Germany, and indeed all Europe have a vast fund of practical lessons which may be drawn upon by the use of special literature. For example the charities of Paris are described by Jules Lecomte in his work entitled *La Charité à Paris*, 1861. A great variety of educational, charitable, and other experiments are described by John De Liefde in his "Six Months among the Charities of Europe" (Alexander Strahan, London and New York, 1866). In two octavo volumes the author has recorded not only his personal observations but a digest of a vast quantity of official reports and administrative facts. The work is not so valuable from the standpoint of organized charities as it is for its detailed description of individual charities, particularly in the education of poor or neglected children. The writer gives the history and results of many interesting sociological experiments in France, Switzerland, Germany, and Holland. The Poor-law System of Elberfeld has been described in a report by Andrew Doyle, London, 1871, and by the Rev. W. W. Edwards in the *Contemporary Review*, for July, 1878, and in *Good Words*, i, 5. Mr. Sanford of the Johns Hopkins University has prepared a paper upon the same subject. Poor Relief in different Parts of Europe is the subject of a selection of essays from the

German, by A. Emminghaus, London, 1873. Roper's translation of Grellman's work on Beggars, a work written in 1787, affords a remarkable glimpse into beggar-life. Tramps are not a modern institution. They are a sturdy stock, of mediæval ancestry, as prolific as fleas and even harder to kill. Upon the sturdy beggar class two excellent works have been published in London since 1880: (1) *London and Mendicant Wanderers in the Streets of London*, and (2) *Beggar Biographies*.

The subject of Pauperism in Europe has been well treated by our countryman, Mr. Charles L. Brace, in the *North American Review*, 120: 315. Pauperism in France is the subject of papers in the *Foreign Quarterly Review*, 15: 159, and in the *Westminster Review*, 57: 239. Charities in France have been characterized in *The Nation*, 4: 270. A general and standard treatise on Charity is that by J. M. Gérando, *De la Bienfaisance Publique*, four volumes, Paris, 1839. *Die Erhebung der niederen Volksklassen* is a valuable German monograph of 168 pages. *Die Verhandlungen des Deutschen Vereins für Armenfllege* are standard sources of information upon German charities. A valuable chapter upon the Poor of Germany, *Das Armenwesen*, may be found in Schönberg's encyclopædic work on Political Economy.

A French writer, De Villeneuve-Bargemont, has treated the subject of *Économie Politique Chrétienne, ou Recherches sur la Nature et les Causes du Paupérisme en Europe et sur les Moyens de le soulager et de le prévenir*, 3 vols., Paris, 1834. Uhlhorn has treated the subject of Christian Charity in the early church.

SOCIAL STUDIES IN EUROPE.

Among the most valuable studies of social phenomena upon the continent of Europe are W. H. Riehl's *Land und Leute* and Frederick Le Play's *Les Ouvriers Européens*. Both of these writers travelled on foot through the countries and social scenes which they describe. Le Play's studies of the actual

condition of the laboring classes in factories and in the mines are especially valuable. He gathered illustrative facts upon a large scale and made social science concrete instead of doctrinaire, as it had been in Paris before his time. Through the force of his example, there was founded, at the suggestion of the French Academy, an international society for practical studies in social economy, which has already published five or six volumes of monographs with the general title *Les Ouvriers des Deux Mondes*. Le Play's ideas have penetrated all France and have led to the establishment of local unions for the study of social and economic questions. The International society and the local *Unions de la Paix Sociale* are represented in periodical literature by *La Réforme Sociale* and by *La Science Sociale*. A good account of this interesting movement, which is surely settling the labor question in France, may be found in the *Popular Science Monthly*, for October, 1886, Le Play's Studies in Social Phenomena, by Mr. A. G. Warner, of the Charity Organization Society of Baltimore.

HISTORICAL RETROSPECT.

The Literature of Charities may be approached from various points of view, but best of all, in the writer's judgment is the historical. If one would really understand the movements of social science and organized charities in the nineteenth century, he should at the outset grasp the fundamental fact that, for eighteen centuries, the charitable and legislative efforts of society have been pauperizing instead of elevating men. The process of degradation began in Italy, under the Roman empire, in the free distribution of bread and wine to the Roman populace or proletariat. Free corn and free drink served the same purpose as our modern soup-houses and barbecues. They made paupers and secured votes. If you wish to study the full significance of this bottom fact which endures in the pauperism of Rome and Naples, study the history of the Roman empire, in any of the standard authorities.

The Christian Church took up the charitable work of the Roman Empire, in a different spirit indeed and with many noble results; but *some* of the methods of Christian deacons and pious monks were as radically wrong as those of the Cæsars. Miscellaneous almsgiving, bequests to the poor, and the prodigal distribution of food from wealthy monasteries, which had no other use for the surplus produce of their lands except to give it away, completed that wretched process of pauperizing the fairest, richest country in Europe. The horrid sights which greet every traveller in Italy, along the roadsides and bridges, in the public squares and at the very doors of Christian churches, are only too familiar. Men and women deliberately make themselves hideous beggars. They cripple their own children in order to work on public sympathy. I was told by one of my students, who has lived many years in Rome, that he once caught a degenerate Roman citizen transforming himself into an artificial leper by the skilful application of candle-grease and tobacco-juice to his neck and arms.

For eighteen centuries Christian charity, often given at the entrance of church-doors, has been producing professional beggars and systematic frauds. If you do not believe it, use your own eyes when you go to Italy, and then study the history of the Church and its Monasteries from an economic point of view, in Gibbon, Milman, and Villeneuve-Bargemont. Do not understand me as underrating the good works of either the church or monastery. I am speaking only of their mistaken methods of exercising charity. All that is best in our modern civilization, our schools and universities, our science and our religion, our literature and our art, have developed from the mediæval church and the old Græco-Roman empire; but in the great work of organizing charity into self-help, the nineteenth century has surely made some progress beyond the wasteful and pauperizing methods of previous ages.

APPENDIX.

ENGLISH CHARITY ORGANIZATIONS.

BY D. R. RANDALL, PH. D.

(Reprinted from the *Baltimore Sun*, March 30, 1887.)

Though Baltimore began the work of organizing her charities after certain other American cities, yet she had the wisdom and the opportunity to go to original sources for her information regarding the work. When Judge Fisher, of this city, was in London, he made an examination of the practical operations of the society there, and was able to help in the work already under way in Baltimore by the employment of the information so acquired. Thus, as we turn from the work in America to that in Europe, it is natural to begin with England.

The task of bringing order out of the chaotic mass of English charities has been going on during most of the present century, and the final efforts at systematizing benevolence have been helped to their present very successful issue by such men as Gladstone, Ruskin, and Cardinal Newman. Americans have been slow to recognize the fact that in this country poverty can really exist as an institution. But when we can no longer shun the conclusion that not only the poor but the paupers are with us to stay, there is manifest wisdom in seeking what may be found to have value for us in the experience of the older countries. England's experience in dealing with the poor has ranged all the way from the enactment of laws that paid men to be idle and put a premium on illegitimate children to a system of charity organization that so unifies and directs the forces of public and private charity as to afford a working model for most of the countries of the world.

An integral part of the great mass of English charities has always been the poor-law system of relief, a compulsory alms levied by the State upon landowners. The system was begun during the last years of Elizabeth's reign, with the prominent idea of supplying in-door work-house aid to the destitute poor. The administrative abuse of this system and its prostitution to political ends had produced at the beginning of this century a most deplorable condition of affairs among the poor. Out-door relief, without

inquiry or examination concerning its necessity or final disposition, had become universal, and nearly eight millions sterling were annually spent in this grand scheme of pauperizing. Two thousand justices, fifteen thousand vestries, and fifteen thousand sets of overseers, acting independently, doled out this national fund, yearly rendering its recipients more dependent and degraded. In 1834 the poor law was amended, and the resultant law still remains in force. Even with this amended law, as usually administered, the idea of the new charity movement has been in constant conflict, but wherever the poor authorities have consented to co-operate with the charity organizations of the various cities, much has been accomplished to increase the effectiveness of each and to better the condition of the poor.

Encouraged by the Society of Friends, William Allen and Elizabeth Fry, in the early part of this century, took up the struggle for better methods of dealing with the pauper and criminal classes. Their work among the convicts of Newgate, their attempts to relieve by national legislation the distress bequeathed the English people by wars with Napoleon, and their organization of societies for the systematic visiting of the poor, were the first effectual efforts towards the development of the later and more ideal charity.

In 1832 Dr. Chalmers, of Glasgow, arraigned the poor-law system with its compulsory provision for the poor, and declared the effect of it to be that "by a sort of festering and spreading operation the sphere of destitution is constantly widening in every parish where the benevolence of love has been superseded by the benevolence of law."

Chalmers was willing to practice that he preached, and thought the government system of relief so bad that for his own parish of St. John's he refused the assistance that the poor-law authorities offered, and dividing his parish of ten thousand inhabitants into districts, he organized the people for individual work. They visited among the poor, trying to encourage the inclination to self-help, and when immediate aid was necessary, drawing upon the small voluntary alms-fund of the parish. The good effects of these methods, as compared with the unsystematic wholesale distribution of alms by the public authorities, were so apparent that it was adopted throughout the city of Glasgow. The Chalmers system stands for the introduction of a sympathetic personal element into charity, in contradistinction to the soulless help of the State, given out by means of administrative machinery.

Octavia Hill began in 1864 the work of reforming the London tenement-houses, her work resembling Chalmers's, in that it included personal acquaintance with the poor. John Ruskin helped her to begin with a loan of £1,000, and to Baltimoreans it is of interest to remember that George Peabody left a large sum for the advancement of her work. She is at present the centre of a planetary system of workers who have the care of three thousand tenants in the city of London. The Peabody Fund alone had, in 1883, been the means of constructing upon ground cleared of loath-

some shanties 3,553 suitable dwellings, occupied by 14,604 persons. The best feature of this work is that once begun it pays its own way. The rents are collected by ladies, who are personal friends of the tenants; but they are collected none the less promptly, and instead of subsidizing laziness and impotence, the interest on the original bequest can be used to extend the work.

With such examples to learn from, and with the experience of that universal society, St. Vincent de Paul, to guide them, men like Cardinal Newman and William E. Gladstone took hold of the work of building up the London Charity Organization Society. That society stands to-day as the greatest co-operative work of the character undertaken, and has furnished an incentive and a model for cities in England, France, Germany, and our own country. The promoters of the plan aimed at nothing less than bringing all the charities of London, whether State, corporate or individual, into correspondence and concert of administration. Their own organization was to be the means through which this concerted action was to be achieved without violation of chartered rights or interference with individual methods.

In London everything is on a gigantic scale and the needs of the poor are no exception to the rule. The number of paupers relieved in London on one day of the third week in last February was over 105,000. From the country districts, the idle, the dissolute, the despairing, all flock to the metropolis and further aggravate the evils of overpopulation. Acres upon acres of huts, court-yards and alleys, the resorts of none but the criminal classes, the haunts of evil and most loathsome squalor, the outcome of ignorance, idleness and vice, where all purity is stifled in infancy—these are the fields of the society's work. Whole classes in London eat their bread on the condition not merely of good conduct but of favorable seasons. A three-days' rain will reduce thirty thousand "costermongers" or venders of provisions to the very verge of starvation.

To alleviate in one way or another the suffering entailed by this great mass of misfortune and vice, over nine hundred charitable foundations existed in London alone, and in that single city five millions sterling were annually distributed by private munificence, and all this in addition to the "poor rates," the proceeds of which were distributed by public officials. The Charity Organization addressed itself to the great task of systematizing this vast number of incongruous charities, and did not shrink from setting forth an ideal as high as that contained in this extract from the enumeration of the general objects of the society: "By its system, when perfected, it is expected that no loop-hole will be left for imposture; no dark holes and corners of misery, disease and corruption remain unvisited; no social sores fester untouched by wise and gentle hands; no barriers of ignorance or selfish apathy stand unassailed between the rich and the poor; no differences of creed prevent unity of action in the common cause of humanity."

The influence of intelligence and care in the disposition of private alms

as well as of State-help has worked the greatest moral as well as economic good. Members of the boards of guardians of the poor are now among the leaders in the new charity movement. The clergy of all denominations and the State and city officials co-operate with heart and mind. Trustees of charitable bequests and institutions are gradually realizing that true charity does not consist in sitting in one's office beside a heap of shillings and filling each unfortunate hand that is thrust in sight. Co-operation is certainly the law of the new and coming charity, even though many fail to believe in its applicability in the industrial world. Co-operation prevents "overlapping" of relief, which independent action renders almost inevitable, while the careful investigation stops imposition by making it possible to discriminate between real and merely alleged destitution.

The results of this movement have been most marked in London, because there the experience acquired has been greatest, the centralization of the work is more complete, and the relations with the poor authorities are more intimate. Since the beginning of the work, in 1869, the poor rate has fallen 30 per cent. The decreasing expenditures of the various charitable organizations, the decreasing number of mendicants, and the arrest of many in their downward course towards pauperism attest the value of the results attained. In six of the Poor Unions of London in ten years the number of paupers decreased 12,108, or from 26,289 at the beginning of the decade to 14,181 at the end; while in the same district the attendance upon the public schools nearly trebled. In the Farmain Union, comprising some of the southern counties, the number of paupers was reduced from 49,332 in 1876 to 39,117 in 1886, while during the same period the expenses for help of the poor decreased from £261,000 to £194,841.

Such results are the outcome of the substitution of in-door relief after investigation of each case for the old, wholesale, indiscriminate plan. A system of organized charity which has been administered with such success in London, with its great population, its conflicting interests, and institutional conservatism, ought to be and can be maintained in Baltimore, for this city has not only the warm hearts and long purses that place great sums at the disposal of the needy, but it has the will and the intelligence to turn the power of this wise benevolence in the direction of constructive, helpful charity.

IX

THE PREDICTIONS

OF

Hamilton and De Tocqueville

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History — *Freeman*

FIFTH SERIES

IX

THE PREDICTIONS

OF

Hamilton and De Tocqueville

By JAMES BRYCE, M. P.

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THE PREDICTIONS OF HAMILTON AND DE TOCQUEVILLE.

A student of American institutions who desires to discover what have been the main tendencies ruling and guiding their development, may find that the most dramatic and not the least instructive method of conducting his inquiry is to examine what were the views held, and the predictions delivered, at different points in the growth of the Republic, by acute and well-informed observers. The contemporary views of such men as to the tendencies which prevailed in their own day and the results to be expected from such tendencies have a value that no analysis made by us now, with our present lights, our knowledge of what has actually followed, could possess, because we cannot help reading into the records of the past the results of all subsequent experience.

To do this with any approach to completeness would be a laborious undertaking, for one would have to search through a large number of writings, some of them fugitive writings, in order to gather and present adequate materials for determining the theories and beliefs generally prevalent at any given period. I attempt nothing so ambitious. I desire merely to indicate, by a comparatively simple example, how such a method may be profitably followed, disclaiming any pretensions to have sought to exhaust even the obvious and familiar materials which all students of American history possess.

For this purpose, then, I will take two famous books—the one written at the very birth of the Union by those who watched its cradle, and recording incidentally, and therefore all the more faithfully, the impressions and anticipations of the friends and enemies of the infant Constitution; the other a careful study of its provisions and practical working by a singularly fair and penetrating European philosopher. I choose these books not only because both are specially representative and of rare literary merit, but because they are easily accessible to European readers, who may, by referring to their pages, supply the omissions which want of space will compel me to make, and may thereby obtain a more complete and graphic transcript of contemporary opinion. One of these books is the *Federalist*—a series of letters recommending the new Constitution for adoption to the people of New York, written in 1788 by Hamilton, Madison and Jay. The other, which falls almost exactly half-way between 1788 and our own time, is the *Democracy in America* of Alexis de Tocqueville.

I. THE IDEAS AND PREDICTIONS OF 1788.

I begin by briefly summarizing the record which the *Federalist* preserves for us of the beliefs of the opponents and advocates of the Draft Constitution of 1787 regarding the forces then at work in American politics and the probable future of the nation.

To understand those beliefs, however, we must bear in mind what the United States then were, and for that purpose I will attempt to recall the reader's attention to some of the more salient aspects of the Federal Republic at the epoch when its national life began.

In 1783 the last British soldier quitted New York—the last stronghold that was held for King George. In 1787 the present Constitution of the United States was framed by the Convention at Philadelphia and in 1788 accepted by the requisite number of States (nine). In 1789 George Washing-

ton entered on his Presidency, the first Congress met and the machine began to work.¹ It was a memorable year for Europe as well as for America—a year which, even after the lapse of a century, we are scarcely yet ripe for judging, so many sorrows as well as blessings, *πολλὰ μὲν ἐσθλὰ μεμίγμεν, πολλὰ δὲ λογρὰ*, were destined to come upon mankind from those elections of the States-General which were proceeding in France while Washington was being installed at Philadelphia.

All of the thirteen United States lay along the Atlantic coast. Their area was 827,844 square miles, their population 3,929,214, less than the population of Pennsylvania in 1880. Settlers had already begun to cut the woods and build villages beyond the Alleghanies; but when Kentucky was received as a State into the Union in 1792, she had a population of only 73,677 (census of 1790). The population was wholly of English (or Anglo-Scotch) stock, save that a few Dutch were left in New York, a few persons of Swedish blood in Delaware, and some isolated German settlements in Pennsylvania. But in spite of this homogeneity the cohesion of the States was weak. Communication was slow, difficult and costly. The jealousies and suspicions which had almost proved fatal to Washington's efforts during the War of Independence were still rife. There was some real conflict and a far greater imagined conflict of interests between the trading and the purely agricultural States, even more than between the Slave States and those in which slavery had practically died out. Many competent observers doubted whether the new Federal Union, accepted only because the Confederation had proved a failure and the attitude of foreign powers was threatening, could maintain itself in the face of the strong sentiment of local independence animating colonies which after throwing off the yoke of Britain, were little inclined to brook any external control. The Constitution was an experiment, or

¹North Carolina did not ratify the Constitution till November, 1789; Rhode Island not till May, 1790.

rather a bundle of experiments, whose working there were few data for predicting. It was a compromise, and its very authors feared for it the common fate of compromises—to satisfy neither party and to leave open rents which time would widen. In particular, it seemed most doubtful whether the two branches of the Legislature, drawn from so wide an area and elected on different plans, would work harmoniously, and whether general obedience would be yielded to an executive President who must necessarily belong to and seem to represent one particular State and district. Parties did not yet exist, for there was as yet hardly a nation; but within a decade they grew to maturity and ferocity. One of them claimed to defend local self-government, the rights of the people, democratic equality; the other, the principle of national unity and the authority of the Federal power. One sympathized with France, the other was accused of leaning to an English alliance. They were, or soon came to be, divided not merely on burning questions of foreign policy and home policy, but also—and this was an issue which mixed itself up with everything else—as to the extent of the powers to be allowed to the central Government and its relations to the States—questions which the curt though apparently clear language of the Constitution had by no means exhausted, though by specifying certain powers as granted and certain others as withheld, it had supplied data for legal argument on points not expressly dealt with as well as on the general theory of the Constitution.

Slavery was not yet a leading question—indeed it existed to some slight extent in the Middle as well as in the Southern States, but the opposition of North and South was already visible. The Puritanism of New England, its industries and its maritime commerce gave it different sentiments as well as different interests from those which dominated the inhabitants of the South, a population wholly agricultural, among whom the influence of Jefferson was strong, and doctrines of advanced democracy had made great progress.

There was great diversity of opinion and feeling on all

political questions in the America of those days, and the utmost freedom in expressing it. Over against the extreme democrats stood an illustrious group whose leader was currently believed to be a monarchist at heart, and who never concealed his contempt for the ignorance and folly of the crowd. Among these men, and to a less extent among the Jeffersonians also, there existed no small culture and literary power, and though the masses were all orthodox Christians and except in Maryland, orthodox Protestants, there was no lack of scepticism in the highest circles. One may speak of highest circles, for social equality, though rapidly advancing and gladly welcomed, was as yet rather a doctrine than a fact: and the respect for every kind of authority was great. There were neither large fortunes, nor abject poverty: but the working class, then much smaller relatively than it is now, deferred to the middle class, and the middle class to its intellectual chiefs. The clergy were powerful in New England: the great colonial families enjoyed high consideration in New York, in Pennsylvania, and above all in Virginia, whose landowners seemed to reproduce the later feudal society of England. Although all the States were republics of a hue already democratic, every State constitution required a property qualification for the holding of office or a seat in the legislature, and, in most States, a similar condition was imposed even on the exercise of the suffrage. Literary men (other than journalists) were rare, the universities few and unimportant, science scarcely pursued, philosophy absorbed in theology and theology dryly dogmatic. But public life was adorned by many striking figures. Five men at least of that generation, Washington, Hamilton, Franklin, Jefferson and Marshall, belong to the history of the world; and a second rank which included John Adams, Madison, Jay, Patrick Henry, Gouverneur Morris, James Wilson, Albert Gallatin, and several other gifted figures less familiar to Europe, must be mentioned with respect.

Everybody professed the principles of the Declaration of Independence and therefore held a republican form of gov-

ernment to be the only proper, or at any rate the only possible form for the central authority as well as for the States. But of the actual working of republican governments there was very little experience, and of the working of democracies, in our present sense of the word, there was really none at all beyond that of the several States since 1776, when they broke loose from the British Crown. Englishmen and Americans are more likely than Continentals to forget that in 1788 there was in the Old World only one free nation and no democracy.¹ In Europe now there remain but two strong monarchies, those of Russia and Prussia, while America, scarcely excepting Brazil and Canada, is entirely (at least in name) republican. But the world of 1788 was a world full of kings—despotic kings—a world which had to go back for its notions of popular government to the commonwealths of classical antiquity. Hence the speculations of those times about the dangers, the merits, the characteristic tendencies and methods of free governments under modern conditions, were and must needs be vague and fanciful, because the materials for a sound induction were wanting. Wise men when forced to speculate, recurred to the general principles of human nature. Ordinary men went off into the air and talked at large, painting a sovereign people as reckless, violent, capricious on the one hand, or virtuous and pacific on the other according to their own predilections, whether selfish or emotional, for authority or for liberty. Though no one has yet written the natural history of the masses as rulers, the hundred years since 1788 have given us materials for such a natural history surpassing those which Hamilton possessed almost as much as the materials at the disposal of Darwin exceeded those of Buffon. Hence in judging the views of the *Federalist* writers² and their antagonists, we must

¹ The Swiss Confederation was scarcely yet a nation, and the few democratic cantons were so small as hardly to come into account.

² Of these writers Hamilton must be deemed the leading spirit, not merely because he wrote by far the larger number of letters, but because his mind was more independent and more commanding than Madison's. The latter

expect to find the diagnosis often inexact and the forecast fanciful.

Those who opposed the Constitution of 1787, a party both numerous and influential in nearly every State, were the men specially democratic and also specially conservative. They disliked all strengthening of government, and especially the erection of a central authority. They were satisfied with the system of sovereign and practically independent States. Hence they predicted the following as the consequences to be expected from the creation of an effective Federal executive and legislature.¹

1. The destruction of the States as commonwealths. The central government, it was said, would gradually encroach upon their powers; would use the federal army to overcome their resistance; would supplant them in the respect of their citizens; would at last absorb them altogether. The phrase "consolidation of the Union," which had been used by the Convention of 1787 to recommend its draft, was laid hold of as a term of reproach. "Consolidation," the consolidation of the States into one centralized government became the popular cry, and like other plausible catchwords, carried away the unthinking.

2. The creation of a despot in the person of the President. His legal authority would be so large as not only to tempt him, but to enable him to extend it further, at the expense of the liberties both of States and of people. "Monarchy," it was argued, "thrown off after such efforts, will in substance return with this copy of King George III, whose command of the federal army, power over appointments, and opportunities for intriguing with foreign powers on the one hand and corrupting

rendered admirable service in the Philadelphia Convention of 1787, but afterwards yielded to the (in the main unfortunate) influence of Jefferson, a character with less purity but more vehemence.

¹ I take no account of those objections to the Constitution which may be deemed to have been removed by the first eleven amendments.

the legislature on the other,¹ will render the new tyrant more dangerous than the old one. Or if he be more open to avarice than to ambition, he will be the tool of foreign sovereigns and the means whereby they will control or enslave America.”²

3. The Senate will become an oligarchy. Sitting for six years, and not directly elected by the people, it “must gradually acquire a dangerous preëminence in the government, and finally transform it into a tyrannical aristocracy.”³

4. The House of Representatives will also, like every other legislature, aim at supremacy. Elected only once in two years, it will forget its duty to the people. It will consist of “the wealthy and well-born,” and will try to secure the election of such persons only as its members.⁴

5. The larger States will use the greater weight in the government which the Federal constitution gives them to overbear the smaller.

6. The existence of a strong central government is likely, not only by multiplying the occasions of diplomatic intercourse

¹ See *Federalist*, No. LIV.

² *Federalist*, No. LXVI, p. 667. “Calculating upon the aversion of the people to monarchy, the writers against the Constitution have endeavored to enlist all their jealousies and apprehensions in opposition to the intended President of the United States, not merely as the embryo but as the full grown progeny of that detested parent. They have to establish the pretended affinity, not scrupled to draw resources even from the regions of fiction. The authority of a magistrate in few instances greater, in some instances less, than those of a Governor of New York, have been magnified into more than royal prerogatives. He has been decorated with attributes superior in dignity and splendour to those of a King of Great Britain. He has been shewn to us with the diadem sparkling on his brow and the imperial purple flowing in his train. He has been seated on a throne surrounded with minions and mistresses, giving audience to the envoys of foreign potentates in all the supercilious pomp of majesty. The images of Asiatic despotism and voluptuousness have scarcely been wanting to crown the exaggerated scene. We have been taught to tremble at the terrific visages of murdering janizaries, and to blush at the unveiled mysteries of a future seraglio.”

³ *Federalist*, No. LXII

⁴ *Federalist*, Nos. LVI and LIX.

with foreign powers, to give openings for intrigues by them dangerous to American freedom, but also to provoke foreign wars, in which the republic will perish if defeated, or if victorious, maintain herself only by vast expenditure, with the additional evil of having created an army dangerous to freedom.

That some of these anticipations were inconsistent with others of them was no reason why the same persons should not resort to both in argument. Any one who wishes to add to the number, for I have quoted but a few, being those which turn upon the main outlines of the Philadelphia draft, may do so by referring to the record of the discussions in the several State Conventions which deliberated on the new Constitution, known as Elliott's Debates.

I pass from the opponents of the Constitution to its advocates. Hamilton and its friends sought in it a remedy against what they deemed the characteristic dangers of popular government. It is by dwelling on these dangers that they recommend it. We can perceive, however, that, while lauding its remedial power, they are aware how deep-seated such dangers are, and how likely to recur even after the adoption of the Constitution. It is plain from the language which Hamilton held in private that he desired a stronger and more centralized government, which would have approached nearer to that British Constitution which he regarded as being, with all its defects, the best model for free nations.¹ And in a remarkable letter written in February, 1802, under the influence of disappointment with the course events were then taking, he calls the Constitution he was "still labouring to prop" a "frail and worthless fabric."

We may therefore legitimately treat his list of evils to be provided against by the new federal government as indicating the permanently mischievous tendencies which he foresaw.

¹ Though he, like other observers of that time had not realized, and might not have relished, the supremacy, now become omnipotence, which the House of Commons had already won.

Some of them, he is obliged to admit, can not be wholly averted by any constitutional devices, but only by the watchful intelligence and educated virtue of the people.

The evils chiefly feared are the following :

1. The spirit and power of faction, which is so clearly the natural and necessary offspring of tendencies always present in mankind, that wherever liberty exists it must be looked for.¹

Its causes are irremovable ; all you can do is to control its effects, and the best prospect of overcoming them is afforded by the representative system and the size of America with the diversities among its population.

2. Sudden impulses, carrying the people away and inducing hasty and violent legislative measures.²

3. Instability in foreign policy, due to changes in the executive and in public sentiment, and rendering necessary the participation of a comparatively small council or Senate in the management of this department.

4. Ill-considered legislation, "facility and excess of law-making,"³ and "inconstancy and mutability in the laws,"⁴ form the "greatest blemish in the character and genius of our governments."

5. The Legislature is usually the strongest power in free governments. It will seek, as the example of the English Parliament shows, to encroach upon the other departments ; and this is especially to be feared from the House of Representatives as holding the power of the purse.⁵

6. The States, and especially the larger States, may overbear the Federal government. They have closer and more

¹ Federalist, No. X (written by Madison) and in other letters.

² Federalist, No. LXII.

³ Federalist, No. LXI.

⁴ Federalist, No. LXXII.

⁵ "The Legislative Department is everywhere (*i. e.*, in all the States) extending the sphere of its activity and drawing all power into its impetuous vortex. . . . It is against the enterprising ambition of this department that the People ought to indulge all their jealousy and exhaust all their precautions." Federalist, No. XLVII.

constant relations with the citizen, because they make and administer the ordinary laws he lives under. His allegiance has hitherto belonged to them and may not readily be acquired by the central authority. In a struggle, should a struggle come, State power is likely to prevail against federal power.

7. There is in republics a danger that the majority may oppress the minority. Already conspicuous in some of the State governments, as for instance Rhode Island, this danger may be diminished by the application of the federal system to the great area of the Union, where "society will be broken into so many parts, interests and classes of citizens, that the lights of individuals or of the minority will be in little danger from interested combinations of the majority."¹

8. Another source of trouble is disclosed by the rash experiments which some States have tried, passing laws which threaten the validity of contracts and the security of property. As there is unwisdom in these, so there are signs of weakness in the difficulty which State governments have found in raising revenue by direct taxation.² Citizens whose poverty does not excuse their want of public spirit refuse to pay; and the administration fears to coerce them.

Not less instructive than the fears of the *Federalist* writers are their hopes. Some of the perils which have since disclosed themselves are not divined. Some institutions which have conspicuously failed are relied on as full of promise.

The method of choosing the President is recommended with a confidence the more remarkable because it was the point on which the Convention had been most divided and had last arrived at an agreement.

"The mode of appointment of the Chief Magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure, or which has received the slightest mark of approbation from its

¹ *Federalist*, No. L.

² *Federalist*, No. XII.

opponents. . . . If the manner of it be not perfect, it is at least excellent. It unites in an eminent degree all the advantages the union of which was to be wished for. . . . The process of election affords a moral certainty that the office of President will never fall to the lot of any one who is not in an eminent degree endowed with the requisite qualifications. Talents for low intrigue, and the little arts of popularity may alone suffice to elevate a man to the first honors in a single State, but it will require other talents and a different kind of merit to establish him in the confidence and esteem of the whole Union, or of so considerable a portion of it as would be necessary to make him a successful candidate for the distinguished office of President of the United States. It will not be too strong to say that there will be a constant probability of seeing the station filled by characters preëminent for ability and virtue.”¹

It is assumed that America will continue an agricultural and (to a less extent) a commercial country, but that she will not develop manufactures; and also that the fortunes of her citizens will continue to be small.² No serious apprehensions

¹Federalist, No. LXVII. In A. D. 1800, twelve years after Hamilton wrote this passage, the contest for the Presidency lay between Jefferson and Aaron Burr, and Hamilton was compelled by his sense of Burr's demerits to urge his party to vote (when the choice came before the House of Representatives) for Jefferson, his own bitter enemy. What he thought of Burr, who, but for his intervention, would certainly have obtained the chief magistracy of the nation, may be inferred from the fact that he preferred as President the man of whom he thus writes: "I admit that his (Jefferson's) politics are tinged with fanaticism; that he is too much in earnest in his democracy, that he has been a mischievous enemy to the principal measures of our past administration, that he is crafty and persevering in his objects, that he is not scrupulous about the means of success, nor very mindful of truth; and that he is a contemptible hypocrite. But, &c." (Letter to James A. Bayard, Jan. 16, 1801.)

After this it is superfluous, as it would be invidious, to dwell on the deficiencies of some recent Presidents or Presidential candidates.

²"The private fortunes of the President and Senators, as they must all be American citizens, cannot possibly be sources of danger." Federalist, No. LIV.

regarding the influence of wealth in elections or in politics generally are expressed.

The contingency of a division of the States into two antagonistic groups is not contemplated. When the possibility of State combinations is touched on, it is chiefly with reference to the action of small and of large States respectively. In particular no hint is dropped as to the likelihood of the institution of slavery becoming a bond to unite the Southern States and a cause of quarrel between them and the Northern.¹

Although the mischiefs of faction are dwelt on, nothing indicates that its embodiment in highly developed party systems, whose organizations might overshadow the legal government, had occurred to any one's mind. Still less, of course, is there any anticipation of the influence to be exerted on politics by the distribution of offices.

Let us now see which of these views and forecasts have been verified by the event.

Of those put forth by the opponents of the Constitution not one has proved true. The States are still strong, the President is not a despot, though for a time during the war he came near being one, nor has he ever fallen under the influence of any European power. The House does not consist of the "wealthy and well born;" the large States do not combine against nor press hardly on the smaller; no great country has so few wars or indeed foreign complications of any kind. Although persons are still found who call the Senate "an oligarchy," they only state the undeniable fact that it consists of comparatively few persons, most of them wealthy, and that it has a strong corporate feeling in favor of the personal interests of each of its members. It is really as dependent on public opinion as the House, perhaps even more afraid of public opinion, and almost as directly the offspring of popular election. One is in fact surprised to find that of the many arrows

¹ But as to the early emergence of the opposition of Northern and Southern men over slavery, see the first chapter of Dr. Von Holst's History.

of accusation levelled at the Constitution, all should have flown wide of the mark.

The deeper insight and more exact thinking of Hamilton and Madison fastened upon most of the real and permanent weaknesses in popular government. Yet even they could not foresee the particular forms which those weaknesses would assume in the new nation. To examine in detail the eight points specified above would involve an examination of the whole of recent American history. I shall therefore simply indicate in a word or two the extent to which, in each case, the predictions of the *Federalist* may be deemed correct or the reverse.

1. The spirit of faction has certainly, as Madison expected, proved less intense over the large area of the Union than it did in the Greek republics of antiquity or in the several States from 1776 to 1789. On the other hand, the bonds of sympathy created by the Federal system have at times enabled one State to infect another with its own vehemence. But for South Carolina, there would have been no secession in 1861. To-day the "demon of faction" is less powerful in the parties than at any previous date since the so-called "Era of Good Feeling" in 1820.

2. Sudden popular impulses there have been. But finding a ready and constitutional expression in elections, they do not lead to physical violence, while the elaborate system of checks seldom allows them to result in dangerous Federal legislation. In the States the risk of bad laws is greater, but it is largely averted by the provisions of the Federal Constitution as well as by gubernatorial vetoes and the restrictions of recent State Constitutions.

3. The early history of the Union furnishes illustrations of feebleness and inconstancy in foreign policy, yet not greater than those which mark most monarchies. Royal caprice, or the influence of successive favorites, has proved more pernicious in absolute monarchies than popular fickleness in republics. That of late years the foreign policy of the United

States has been singularly consistent is due not so much to the Senate, nor even to the good sense of the people, as to the fact that the position and interests of the nation prescribe certain broad and simple lines.

4. On public matters, at least, Congress has not been prone to waste or excess in legislation. At present, it is more blameable for what it neglects or postpones than for what it enacts. The censure is more true of the States, especially the newer Western States.

5. The House of Representatives has doubtless sought to extend its sway at the expense of other departments. Whether it has succeeded is a question on which good observers in America itself differ; but the fact of their differing proves that the encroachments have not been considerable. Whenever the President is weak or unpopular, Congress seems to be gaining on the Executive Chief. When the latter is presumably strong, he can keep the Legislature at bay.

6. In the struggle which never quite ceases, though it is often scarcely noticed, between the States and the Federal Government, the States have rather lost than gained ground. Nor are the larger States more practically formidable than the small ones. No State would now venture to brave the Federal Judiciary as Georgia did, and did successfully, in the disgraceful case of the Cherokee Indians.

7. As regards the so-called tyranny of the majority, a question too large to be fully examined here, I must be content to remark that it has not hitherto proved a serious evil in America. This, however, is due rather to the character and habits of the people and their institutions generally than to the mere extent and population of the Union, on which the *Federalist* writers relied.

8. There is some foolish Congressional legislation, and, of course, much more foolish State legislation. But property is secure and the sense of civic duty seems, on the whole, to be improving.

It will appear from this examination and from the fact

(noted a few pages back) that some remarkable developments which political life has taken never crossed the minds of the authors of the *Federalist*, that these wisest men of their time did not foresee what strike us now as the specially characteristic virtues and faults of American democracy. Neither the spoils system nor the system of party nominations by wire-pullers crossed their minds. They did not foresee the inordinate multiplication of elections, nor the evils of confining eligibility for a seat in the legislature to a person resident in the electing district. No student of history will deem that this detracts from their greatness, for history teaches nothing more plainly than the vanity of predictions in the realm of what we call the moral and political sciences, in religion, in ethics, in sociology, in government and politics. Deep thinkers help us when they unfold those permanent truths of human nature which come everywhere into play. Historians help us when, by interpreting the past, they demonstrate what are the tendencies that have so prevailed in recent years as to create the present. Observers keen enough to read the mind of the present generation may help us by rendering it probable that those tendencies, or some new ones just appearing, will be ruling factors in the near future. But beyond the near future—that is to say, beyond the lifetime of the generation which already holds power—no true philosopher will venture. He may indulge his fancy in picturing the details of the remoter landscape; but he knows that it is a region fit for fancy, not for science. In the works of great thinkers there are to be found some happy guesses about times to come; but these are few, indeed, compared with the prophecies whose worthlessness was so soon revealed that men forgot they had ever been made, or the dreams which, like those of Dante, idealized an impossible future from an irrevocable past.

As regards the views of Hamilton and Madison, who, be it remembered, do not present themselves as prophets but as the censors of present evils, it may be added that the Constitution

which they framed and carried checked some of these very evils (*e. g.*, the unjust lawmaking and reckless currency experiments of the State legislatures); and that it was obviously impossible till the Federal government began to work to say how the existing forces could adapt themselves to it. Hamilton remarks in one of his letters that he holds with Montesquieu that a nation's form of government ought to be fitted to it as a suit of clothes is fitted to its wearer.¹ He would doubtless have added that it was difficult to make sure of the fit until the coat had been tried on.

The causes, moreover, which have affected the political growth of America are largely causes which were in 1788 altogether beyond human ken: the cotton gin, steam communications, Irish and German immigration have been supreme factors in that history; but even the first of these had not risen over the horizon in that year, and the last did not become a potent factor till half way through the present century.² What the sages of the Convention shew us, are certain tendencies they discern in their contemporaries, *viz.* :

Recklessness and unwisdom in the masses, producing bad laws.

Unwillingness to submit to or support a strong government.

Abuse by the majority of its legal power over the minority.

Indifference to national as compared with local and sectional interests, and consequent preference of State loyalty to national loyalty.

That each of these tendencies then existed and might have been expected to work for evil, admits of no doubt. But if we ask American history what it has to say about their subsequent course, the answer will be that the second and third tendencies

¹ "I hold with Montesquieu that a government must be fitted to a nation as much as a coat to the individual; and consequently that what may be good at Philadelphia may be bad at Paris and ridiculous at Petersburg." To Lafayette, Jan. 6th, 1799.

² The first cargo of cotton was sent from America to Europe in 1791 and the cotton gin invented in 1793.

have declined, and do not at present menace the public welfare, while the first, though never absent and always liable to marked recrudescence, as the annals of the several States prove, has done little harm in the sphere of National Government. As to the fourth, which Hamilton seems to have chiefly feared, it ultimately took the form not of a general centrifugal force, impelling each State to fly off from the system, but of a scheme for the separation of the Southern or slave-holding States into a separate Confederacy, and in this form it received, in 1865, a crushing and apparently final defeat.¹

II. DE TOCQUEVILLE AND HIS BOOK.

Fifty-one years after the recognition of the independence of the United States, fifty-three years before the present year, Alexis de Tocqueville published his *Democracy in America*, one of the few treatises on the philosophy of politics which has risen to the rank of a classic. His book, therefore, stands half way between our own days and those first days of the Republic which we know from the writings of the Fathers, of Washington, Hamilton, Jefferson, Adams, Madison. It offers a means of measuring the changes that had passed on the country during the half century from the birth of the Union to the visit of its most famous European critic, and again from the days of that critic to our own.

It is a classic, and because it is a classic one may venture to canvas it freely, without the fear of seeming to detract from the fame of its author. The more one reads De Tocqueville, the more admiration does one feel for his acuteness, for the delicacy of his analysis, for the elegant precision of his reasonings, for the limpid purity of his style; above all for his love

¹ When we come to De Tocqueville, we shall find him touching but lightly on the two first of the above tendencies (partly, perhaps, because he attends too little to the State governments), but emphasizing the third and fearing from the fourth the dissolution of the Union.

of truth and the elevation of his views. He is not only urbane, but judicial; not only noble, but edifying. There is perhaps no book of the generation to which he belonged which contains more solid wisdom in a more attractive dress.

We have here, however, to regard the treatise not merely as a model of art and a storehouse of ethical maxims, but as a picture and criticism of the government and people of the United States. And before using it as evidence of their condition fifty years ago, some observations must be made as to the reliance we may place upon it.

The first observation is that not only are its descriptions of democracy as displayed in America no longer true in many points, but that in certain points they were never true. That is to say, some were true of America, but not of democracy in general, while others were true of democracy in general but not true of America. It is worth while to attempt to indicate the causes of such errors as may be discovered in his picture, because they are errors which every one who approaches a similar task has to guard against. De Tocqueville is not much read in the United States, where the scientific, historical and philosophical study of the institutions of the country, apart from the legal study of the Constitution, is of quite recent growth. He is less read than formerly in England and even in France. But his views of the American government and people have so passed into the texture of our thoughts that we cannot shake off his influence, and in order to profit by it are bound to submit his conclusions and predictions to a searching though respectful examination.

The defects of the book are due to three causes. He had a strong and penetrating intellect, but it moved by preference in the *a priori* or deductive path, and his power of observation, quick and active as it was, did not lead but followed the march of his reasonings. It will be found, when his method is closely observed, that the facts he cites are rather the illustrations than the sources of his conclusions. He had studied America carefully and thoroughly. But he wanted the neces-

sary preparation for that study. His knowledge of England, while remarkable in a foreigner, was not sufficient to show him how much in American institutions is really English, and explainable only from English sources.

He wrote about America, and meant to describe it fully and faithfully. But his heart was in France, and the thought of France, never absent from him, unconsciously colored every picture he drew. It made him think things abnormal which are merely un-French ; it made him attach undue importance to phenomena which seemed to explain French events or supply a warning against French dangers.

He reveals his method in the introduction to his book. He draws a fancy sketch of a Democratic people, based on a few general principles, passes to the condition of France, and then proceeds to tell us that in America he went to seek the Type of Democracy—Democracy pure and simple—in its normal shape. “*J'avoue que dans l'Amérique, j'ai vu plus que l'Amérique: j'y ai cherché une image de la démocratie elle-même, de ses penchants, de son caractère, de ses préjugés, de ses passions.*”

Like Plato in the *Republic*, he begins by imagining that there exists somewhere a Type or Pattern of Democracy, and as the American Republic comes nearest to this pattern, he selects it for examination. He is aware, of course, that there must be in every country and people many features peculiar to the country which reappear in its government, and repeatedly observes that this or that is peculiar to America, and must not be taken as necessarily or generally true of other Democracies. But in practice he underrates the purely local and special features of America, and often, forgetting his own scientific cautions, treats it as a norm for Democracy in general. Nor does he, after finding his norm, proceed simply to examine its facts and draw inferences from them. In many chapters he begins by laying down one or two large principles, he develops conclusions from them, and then he points out that the phenomena of America conform to these conclusions. Instead of drawing the character of Democracy from the aspects it

presents in America, he arrives at its character *a priori*, and uses those aspects only to point and enforce propositions he has already reached. It is not Democracy in America he describes, but Democracy illustrated from America. He is admirably honest, never conceding or consciously evading a fact which he perceives might tell against his theories. But being already prepossessed by certain abstract principles, facts do not fall on his mind like seeds on virgin soil. He is struck by those which accord with, he is apt to ignore those which diverge from his preconceptions. Like all *a priori* reasoners, he is peculiarly exposed to the danger of pressing a principle too far, of seeking to explain a phenomenon by one principle only when it is perhaps the result of an accidental concurrence of several minor causes. The scholasticism we observe in him is due partly to this deductive habit, partly to his want of familiarity with the actualities of politics. An instance of it appears in his tendency to over-estimate the value of constitutional powers and devices, and to forget how often they are modified, almost reversed in practice by the habits of those who use them. Though no one has more judiciously warned us to look to the actual working of institutions and the ideas of the men who work them rather than to their letter, he has himself failed to observe that the American Constitution tends to vary in working from its legal theory, and the name Legislature has prevented him, like so many other foreign observers, from seeing in the English Parliament an executive as well as a law-making body.

In saying that he did not know England, I fully admit that his knowledge of that great free government was far beyond the knowledge of most cultivated foreigners. He had studied its history, had lived among and learnt the sentiments of its aristocracy. But he had little experience of the ideas and habits of the middle class, whom the Americans then more resembled, and he was not familiar—as how could a stranger be?—with the details of English politics and the working of the English Courts. Hence he has failed to grasp the sub-

stantial identity of the American people with the English. He perceives that there are many and close resemblances, and traces much that is American to an English source. He has seen and described with perfect justness and clearness the mental habits of the English and American lawyer as contrasted with those of the French lawyer. But he has not grasped, as perhaps no one but an Englishman or an American can grasp, the truth that the American people is the English people, modified in some directions by the circumstances of its colonial life and its more popular government, but in essentials the same. Hence much which is merely English appears to De Tocqueville to be American or Democratic. The functions of the judges, for instance, in expounding the Constitution (whether of the Federation or of a State) and disregarding a statute which conflicts therewith, the responsibility of an official to the ordinary courts of the land, the co-existence of laws of a higher and lower degree of authority, seem to him to be novel and brilliant inventions instead of mere instances of general doctrines of English law, adapted to the circumstances of a colony, dependent on a Home Government or a State partially subordinated to a Federal Government. The absence of what the French call "Administration" and the disposition to leave people to themselves which strike him, would not surprise an Englishman accustomed to the like freedom. Much that he remarks in the mental habits of the ordinary American, his latent conservatism for instance, his indifference to amusement as compared with material comfort, his commercial eagerness and tendency to take a commercial view of all things, might have been just as well remarked of the ordinary middle-class Englishman, and has nothing to do with a Democratic Government. Other features which he ascribes to this last named cause, such as habits of easy social intercourse, the disposition to prize certain particular virtues, the readiness to give mutual help, are equally attributable to the conditions of life that existed among settlers in a wild country where few persons were raised by birth or wealth above their fellows, and every-

one had need of the aid of others—conditions whose results remain in the temper of the people even when the community has passed into another phase, a phase in which inequalities of wealth have already begun to be marked, and temptations have appeared which did not beset the Puritans of the seventeenth century.

It is no reproach to De Tocqueville that France formed to him the background of every picture whose foreground was the New World. He tells us frankly in the Introduction that the phenomena of social equality, as they existed in France, and the political consequences to be expected from them, filled his mind when he examined the institutions of America; he hoped to find there lessons by which France might profit: "J'ai voulu y trouver des enseignements dont nous puissions profiter." But with this purpose before him, he could hardly avoid laying too much stress on points which seemed to have instruction for his own countrymen, and from fancying those things to be peculiar and abnormal which stood contrasted with the circumstances of France. De Tocqueville is, perhaps of all eminent French writers, the least prone to assume the ways and ideas of his own country to be the rule, and those of another country the exception; yet even in him the tendency lurks. There is more than a trace of it in his surprise at the American habit of using without abusing political associations, and at the disposition of Legislatures to try experiments in legislation, a disposition which struck him chiefly by its contrast with the immutability which the Code of the First Empire seemed to have stamped upon the private law of France.

But this constant great reference to France goes deeper than the political philosophy of the book. It determines its scope and aim. The *Democracy in America* is not so much a political study as a work of edification. It is a warning to France of the need to adjust her political institutions to her social condition, and above all to improve the tone of her politics, to create a moral and religious basis for her national life, to

erect a new fabric of social doctrine, in the place of that which, already crumbling, the Revolution had overthrown. We must not, therefore, expect to find in him a complete description and criticism such as a German would have given of the government of America in all its details and aspects. To observe this is not to complain of the book. What he has produced is more artistic, and possibly more impressive than such a description would have been, as a landscape gives a juster notion of scenery than a map. His book is permanently valuable, because its reflections and exhortations are applicable, not merely to the Frenchmen of fifty years ago, but to mankind generally, since they touch upon failings and dangers permanently inherent to political society. Let it only be remembered that in spite of its scientific form, it is really a work of art rather than a work of science, and a work suffused with strong, though carefully repressed emotion.

The best illustration I can give of these tendencies of De Tocqueville will be found in a comparison of the first part of his work, published in 1834, and now included in the first and second volumes of recent editions with the second part published in 1840, and now forming the third volume. In the first part the author keeps close to his facts. Even when he has set out on the *a priori* road, he speedily brings his theory to the test of American phenomena: they give substance to, and (so to speak) steady the theory, while the theory connects and illumines them. But in the second part (third volume) he soars far from the ground and is often lost in the clouds of his own sombre meditation. When this part was written, the direct impressions of his transatlantic visit had begun to fade from his mind. With all his finesse and fertility, he had neither sufficient profundity of thought nor a sufficient ample store of facts gathered from history at large to enable him to give body and substance to his reflections on the obscure problems wherewith he attempts to deal.¹

¹ Sainte Beuve says somewhere of him, "Il a commencé à penser avant d'avoir rien appris: ce qui fait qu'il a quelquefois pensé creux." Thiers

Hence, this part of the book is not so much a study of American democracy as a series of ingenious and fine-spun abstract speculations on the features and results of equality on modern society and thought, speculations which, though they have been singled out for admiration by some high judges, such as Ampère and Laboulaye, will appear to most readers over fanciful, over confident in their effort to construct a general theory applicable to the infinitely diversified facts of human society, and occasionally monotonous in their repetition of distinctions without differences and generalities too vague, perhaps too hollow, for practical use.

How far do these defects of De Tocqueville's work affect its value for our present purpose, that of discovering from it what was the condition, political, social, intellectual, of the United States in 1833 and what the forces that were then at work in determining the march of the nation and the development of its institutions?

It is but slightly that they impair its worth as a record of facts. De Tocqueville is so careful and so unprejudiced an observer that I doubt if there be a single remark of his which can be dismissed as simply erroneous. There is always some basis for every statement he makes. But the basis is occasionally too small for the superstructure of inference, speculation and prediction which he rears upon it. To borrow an illustration from chemistry, his analysis is always right so far as it is qualitative, often wrong where it attempts to be quantitative. The fact is there, but it is perhaps a smaller fact than he thinks, or a transient fact, or a fact whose importance is, or shortly will be, diminished by other facts which he has not adequately recognized.

When we pass from description to argument he is a less safe guide. By the light of subsequent experience we can perceive that he mistook transitory for permanent causes. Many

once said, in the Chamber, "Quand je considère intuitivement, comme dirait M. de Tocqueville."

of the phenomena which he ascribes to democracy were due only to the fact that large fortunes had not yet grown up in America, others to the absence, in most parts of the country, of that higher education and culture which comes with wealth, leisure and the settlement of society. I have already observed that he sometimes supposes features of American politics to be novel and democratic which are really old and English, that he does not allow sufficiently for the imprint which colonial life had left on the habits and ideas of the people, an imprint which though it partly wears off with time, partly becomes transformed into something which, while you may call it democratic, remains different from the democracy of an old European country, and is not an index to the character of democracy in general.

It need hardly be said that the worth of a book like his is not to be measured by the number of flaws which a minute criticism can discover in it. Even a sovereign genius like Aristotle cannot be expected to foresee which of the influences he discerns will retain their potency: it is enough if his view is more piercing and more comprehensive than that of his greatest contemporaries; if his record shows the high water mark of the learning and philosophy of the time. Had history falsified far more of De Tocqueville's predictions than she has done, his work would still remain eminently suggestive and stimulating. And it is edificatory not merely because it contains precepts instinct with the loftiest morality. It is a model of that spirit of fairness and justice, that love of pure truth which is conspicuously necessary and not less conspicuously difficult in the discussion, even the abstract discussion, of the problems of political philosophy.

III. DE TOCQUEVILLE'S VIEW OF THE UNITED STATES.

Before we examine the picture of the social and political phenomena of America which De Tocqueville has drawn, let us see what were the chief changes that had passed on the

territory of the Union, on its material resources, on the habits and ideas of the people during the forty-six years that elapsed from the publication of the *Federalist* to that of the *Democracy in America*.

The territory of the United States had been extended to include the whole valley of the Mississippi, while to the north-west it stretched across the Rocky Mountains as far as the Pacific. All beyond the Missouri was still wilderness, much of it wholly unexplored, but to the east of the Mississippi there were now twenty-four States with an area of 2,059,043 square miles and a population of fourteen millions. The new Western States, though rapidly increasing, were still so raw as to exercise little influence on the balance of national power, which vibrated between the free Northern and the Southern Slave States. Slavery was not an immediately menacing question, for the first wound it made had been skinned over, so to speak, by the Missouri Compromise of 1820, but it was evidently pregnant with future trouble, for the number of slaves was rapidly increasing, and the slaveholders were already resolved to retain their political influence by the creation of new slave States. The great Federalist party had vanished, and the Republican-Democratic party, which had triumphed over it, had just been split up into several bitterly hostile factions. Questions of foreign policy were no longer urgent, for Europe had ceased to menace America, who had now no neighbors on her own continent except the British Crown on the north and the Mexican Republic on the south. The protective tariff and the existence of the United States Bank were the questions most agitated, but the main dividing party lines were still those which connected themselves with the stricter or looser interpretation of the Federal Constitution—that is to say, they were questions as to the extent of Federal power on the one hand, of the rights of the States on the other. New England was still Puritan and commercial, with a bias towards Protection, the South still agricultural, and in favor of free trade. The rule of the masses had made its greatest

strides in New York, the first among the other States which introduced the new methods of party organization and which thoroughly democratized (in 1846) her Constitution. Everywhere property qualifications for office or the electoral franchise were being abolished, and even the judges formerly nominated by the State Governor or chosen by the State Legislature, were beginning to be elected by universal popular suffrage and for terms of years. In fact a great democratic wave was passing over the country, sweeping away the old landmarks, destroying the respect for authority, casting office and power more and more into the hands of the humbler classes, and causing the withdrawal from public life of men of education and refinement. State feeling was still strong, especially in the South, and perhaps stronger than national feeling, but the activity of commerce and the westward movement of population were breaking down the old local exclusiveness, and those who saw steamboats plying on the Hudson and heard that locomotive engines were beginning to be run in England, might have foreseen that the creation of more easy, cheap and rapid communications would bind the sections of the country together with a new and irresistible power. The time was one of great commercial activity and great apparent prosperity; but large fortunes were still few, while in the general pursuit of material objects science, learning and literature had fallen into the background. Emerson was still a young Unitarian minister, known only to the circle of his own friends. Channing was just rising into note; Longfellow and Hawthorne, Prescott and Tieknor had not begun to write. Washington Irving was probably the only author whose name had reached Europe. How disagreeable the manners of ordinary people (for one must of course except the cultivated circles of Boston and Philadelphia) seemed to the European visitor may be gathered from the diaries of Richard Cobden and Sir Charles Lyell, who travelled in America a year or two after De Tocqueville. There was a good deal of ability among the ruling generation of statesmen—the genera-

tion of 1787 was just dying out with Madison—but only three names can be said to have survived in the world's memory, the names of three party leaders who were also great orators, Clay, Calhoun and Webster.¹

In those days America was a month from Europe and comparatively little affected by Europe. Her people walked in a vain conceit of their own greatness and freedom, and scorned instruction from the effete monarchies of the Old World, which in turn repaid them with contemptuous indifference. Neither continent had realized how closely its fortunes were to be interwoven with those of the other by trade and the movements of population. No wheat, no cattle were sent across the Atlantic, nor had the flow of immigration from Ireland, much less from Germany, as yet begun.

The United States of 1834 had made enormous advances in material prosperity from those of 1789. They had become a great nation, and could become a great power as soon as they cared to spend money on fleets and armies. Their Federal government had stood the test of time and of not a few storms. Its component parts knew their respective functions, and worked with less friction than might have been expected. The sense of national unity, powerfully stimulated by the war of 1812,² was still growing. But the level of public life had not risen. It was now rather below than above that of average private society. Even in the realm of morality there were strange contrasts. A puritan strictness in some departments of conduct and a universal recognition of the sanctions of religion co-existed in the North with great commercial laxity, while the semi-civilized South, not less religious

¹To none of whom, oddly enough, does De Tocqueville refer. He is singularly sparing in his references to individuals, mentioning no one except Jackson for blame, and Livingston (of the Louisiana Code and Secretary of State, 1831-33) for praise.

²An interesting discussion of the effects in this respect of the War of 1812 is contained in Mr. N. M. Butler's paper in the Johns Hopkins University Studies, No. VII of the Fifth Series.

and valuing itself on its high code of honor, was disgraced by the tolerance accorded to duels and acts of murderous violence, not to speak of the darker evils which slavery brought in its train. As respects the government of States and cities, democratic doctrines had triumphed all along the line. The masses of the people had now realized their power, and entered into the full fruition of it.¹ They had unlimited confidence in their wisdom and virtue, and had not yet discovered the dangers incidental to popular government. The wise elders, or the philosophic minds who looked on with distrust, were either afraid to speak out, or deemed it hopeless to stem the flowing tide. They stood aside (as Plato says) under the wall out of the storm. The party organizations had just begun to spread their tough yet flexible network over the whole country; and the class of professional politicians, at once the creator and the creature of such organizations, was already formed. The spoils of office had, three years before, been proclaimed to belong to the victors, but few saw to what consequences this doctrine was to lead. I will not say that it was a period of transition, for that is true of every period in America, so fast do events move even in the quietest times. But it was a period when that which had been democratic theory was passing swiftly into democratic practice, when the seeds sown long ago by Jefferson had ripened into a waving crop, when the forces which in every society react against extreme democracy were unusually weak, some not yet developed, some afraid to resist the stream.

IV. DE TOCQUEVILLE'S IMPRESSIONS.

Let us see what were the impressions which the America of 1832 made on the mind of De Tocqueville. I do not pre-

¹ Dr. Von Holst gives at the beginning of the second part of his Constitutional History a powerful picture of the democratic revolution, and inswarming of a new class of men, which accompanied the election and installation of Andrew Jackson.

tend to summarize his account, which every student ought to read for himself, but shall be content with presenting those more salient points to which our comparison of 1832 with 1788 on the one hand, and 1887 on the other, relates.

He is struck by the thoroughness with which the principle of the Sovereignty of the People is carried out. Fifty-five years ago this principle was far from having obtained its present ascendancy in Western Europe. In America, however, it was not merely recognized in theory, but consistently applied through every branch of local, State and national government.

He is impressed by the greater importance to ordinary citizens of State government than of Federal government, and their warmer attachment to the former than to the latter. The Federal government seems comparatively weak, and in case of a conflict between the two powers, the loyalty of the people would be given rather to the State.¹

The basis of all American government is to be found in the "commune," *i. e.*, in local government, the ultimate unit of which is in New England the township, in the Southern and Middle States the county. It is here that the bulk of the work of administration is done, here that the citizens learn how to use and love freedom, here that the wonderful activity they display in public affairs finds its chief sphere and its constant stimulus.

The absence of what a European calls "the administration" is remarkable. Public work is divided up between a multitude of petty and unrelated local officials: there is no "hierarchy," no organized civil service with a subordination of ranks. The means employed to keep officials to their work and punish offences are two: frequent popular election and the powers of invoking the ordinary courts of justice to obtain damages for negligence or unwarranted action. But along with the extreme "administrative decentralization" there exists a no less

¹ Note the singular fact that he does not give any description of a State as a commonwealth, nor characterize the general features of its government.

extreme "governmental centralization," that is to say, all the powers of government are collected into one hand, that of the people, the majority of the voters. This majority is omnipotent; and thus authority is strong, capable of great efforts, capable also of tyranny. Hence the value of local self-government which prevents the abuse of power by a central authority: hence the necessity for this administrative decentralization, which atones for its want of skill in details by the wholesome influence it exerts on the character of the people.

The judges enjoy along with the dignity of their European brethren the singular but most salutary power of "declaring laws to be unconstitutional," and thus serve to restrain excesses of legislative as well as executive authority.

The President appears to our author to be a comparatively weak official. No person, no group, no party, has much to hope from the success of a particular candidate at a Presidential election, because he has not much to give away. The elective system unduly weakens executive authority because a President who approaches the end of his four years' term feels himself feeble, and dares not take any bold step: while the coming in of a new President may cause a complete change of policy. His re-eligibility further weakens and abases him, for he must purchase re-election by intrigue and an unworthy pandering to the desires of his party. It intensifies the characteristic fault of democratic government, the predominance of a temporary majority.

The Federal Supreme Court is the noblest product of the wisdom of those who framed the Federal Constitution. It keeps the whole machine in working order, protecting the Union against the States, and each part of the Federal government against the aggressions of the others. The strength of the Federation, naturally a weak form of government, lies in the direct authority which the Federal courts have over the individual citizen: while their action, even against a State, is less offensive than might be expected because they do not directly attach its statutes, but merely, at the instance of an

individual plaintiff or defendant, secure rights which those statutes may have infringed.

The Federal Constitution is much superior to the State Constitutions; the Federal Legislature, Executive and Judiciary, are all of them more independent of the popular majority, and freer in their action than the corresponding authorities in the several States. Similarly the Federal government is better than those of the States, wiser, more skilful, more consistent, more firm.

The day of great parties is past: there is now a feverish agitation of small parties and a constant effort to create parties, to grasp at some principle or watchword under which men may group themselves, probably for selfish ends. Self-interest is at the bottom of the parties, yet aristocratic or democratic sentiment attaches itself to each of them, that is to say, when a practical issue arises, the old antithesis of faith in the masses and distrust of the masses reappears in the view which men and parties take of it. The rich mix little in politics. Secretly disgusted at the predominance of the crowd, they treat their shoemaker as an equal when they meet him on the street, but in the luxury of their own homes lament the vulgarity of public life and predict a bad end for democracy.

Next to the people, the greatest power in the country is the press: yet it is less powerful than in France, because the number of journals is so prodigious, because they are so poorly written, because there is no centre like Paris. Advertisements and general news occupy far more of their space than does political argument, and in the midst of a din of opposing voices, the ordinary citizen retains his dull fixity of opinion, the prejudices of his sect or party.

A European is surprised, not only by the number of voluntary associations aiming at public objects, but at the tolerance which the law accords to them. They are immensely active and powerful, and do not threaten public security as they would in France, because they admit themselves, by the very fact of their existence, to represent a minority of voters, and seek to prevail by force of argument and not of arms.

Universal suffrage, while it gives admirable stability to the government, does not, as people in Europe expect that it will, bring the best men to the top. On the contrary, the governors are inferior to the governed,¹ the best men do not seek either office or a seat in the House of Representatives, and the people, without positively hating the "upper classes" does not like them; and carefully keeps them out of power. "Il ne craint point les grands talents, mais il les goûte peu."

The striking inferiority of the House to the Senate is due to the fact that the latter is a product of double election, and it is to double election that democracies must come if they will avoid the evils inseparable from placing political functions in the hands of every class of the people.²

American magistrates are allowed a wider arbitrary discretion than is common in Europe, because they are more constantly watched by the sovereign people, and are more absolutely at its mercy.³

Every office is, in America, a salaried office; nothing can be more conformable to the spirit of a democracy. The minor offices are, relatively to Europe, well paid, the higher ones ill paid. Nobody wears any dress or displays any insignia of office.⁴

Administration has both an unstable and an unscientific character. Few records are kept of the acts of departments, little information is accumulated, even original documents

¹ This is a common remark of visitors to America, but it arises from their mistaking the people they see in society for the "governed" in general. They go with introductions to educated people: if they mixed with the masses they would form a different notion of the "governed," as De Tocqueville rather oddly calls the ordinary citizens.

² It is remarkable that De Tocqueville should have supposed this to be the chief cause of the excellence he ascribes to the Senate.

³ The only instance given of this is in the discretion allowed to the officers of the New England townships, whose functions are, however, unimportant. I greatly doubt if the statement is or ever was generally true.

⁴ Still true as regards public offices, save and except the Judges of the Supreme Court when sitting at Washington.

are neglected. De Tocqueville was sometimes given such documents in answer to his queries, and told that he might keep them. The conduct of public business is a hand to mouth, rule of thumb sort of affair.¹

Not less instability reigns in the field of legislation. Laws are being constantly changed; nothing remains fixed or certain.²

It is a mistake to suppose that democratic governments are specially economical. They are parsimonious in salaries, at least to the higher officials, but they spend freely on objects beneficial to the mass of the people, such as education, while the want of financial skill involves a good deal of waste. You must not expect economy where those who pay the bulk of the taxes are a mere fraction of those who direct their expenditure. If ever America finds herself among dangers, her taxation will be as heavy as that of the European monarchies.

There is little bribery of voters, but many charges against the integrity of politicians. Now the corruption of the governors is worse than that of the governed, for it lowers the tone of public morals by presenting the spectacle of prosperous turpitude.

The American democracy is self-indulgent and self-complacent, slow to recognize, still more slow to correct, its faults. But it has the unequalled good fortune of being able to commit reparable faults, of sinning with impunity (*la faculté de faire des fautes réparables*).

¹ This has ceased to be true in Federal administration, and in that of the more advanced States.

² De Tocqueville does not say whether he intends this remark to apply to State legislation only or to Federal legislation also. He quotes dicta of Hamilton, Madison and Jefferson to the same effect, but these testimonies all refer to a time anterior to the creation of the Federal Constitution. Admitting that such instability did exist in 1832 as respects the States, one is tempted to believe that De Tocqueville was unconsciously comparing America with France, where the Code has arrested legislation to an extent surprising to an English observer. During the last thirty years there have been more important changes in the ordinary law annually made by the English Parliament than by most American legislatures.

It is eminently ill-fitted to conduct foreign policy. Fortunately it has none.

The benefits which American society derives from its democratic government are summed up as follows :

As the majority make the laws, their general tendency, in spite of many errors in detail, is to benefit the majority, because though the means may sometimes be ill chosen, the end is always the same. Hence the country prospers.

Every one is interested in the welfare of the country, because his own welfare is bound up with it. This patriotism may be only an enlarged egotism, but it is powerful nevertheless, for it is a permanent sentiment, independent of transient enthusiasms. Its character appears in the childish intolerance of criticism which the people display. They will not permit you to find fault with any one of their institutions or habits, not even if you praise all the rest.¹

There is a profound respect for every political right, and therefore for every magistrate, and for the authority of the law, which is the work of the people themselves. If there be exceptions to this respect, they are to be found among the rich, who fear that the law may be made or used to their detriment.

The infinite and incessant activity of public life, the responsibilities it casts on the citizen, the sense of his importance which it gives him, have stimulated his whole nature, made him enterprising in all private affairs also. Hence, in great measure, the industrial prosperity of the country. Democracy effects more for the material progress of a nation than in the way of rendering it great in the arts, or in poetry, or in manners, or in elevation of character, or in the capacity for acting on others and leaving a great name in history.

¹ Every one knows how prominent this trait is among the observations which European visitors pass upon America. It is now much less noticeable than formerly. I can even say from experience that it had sensibly diminished between 1870 and 1883.

We now come to the darker side of the picture. In democracies, the majority is omnipotent, and in America the evils hence flowing are aggravated by the shortness of the term for which a legislature is chosen, by the weakness of the Executive, by the incipient disposition to elect even the judges, by the notion universally received that the majority must be right. The majority in a legislature being unchecked, laws are hastily made and altered, administration has no permanence, officials are allowed a dangerously wide range of arbitrary authority. There is no escape from the tyranny of the majority. It dominates even thought, forbidding, not indeed by law but through social penalties no less effective than legal ones, the expression of any opinion displeasing to the ordinary citizen. In theology, even in philosophy, one must beware of any divergence from orthodoxy. No one dare tell an unwelcome truth to the people, for it will receive nothing but incense. Such repression sufficiently explains the absence of great writers and of great characters in public life. It is not therefore of weakness that the free government in America will ever perish, but by excess of strength, the majority driving the minority to despair and arms.

There are, however, influences which temper the despotism of the majority. One is the existence of a strong system of local self-government, whereby nearly all administration is decentralized. Another is the power of the lawyers, a class everywhere disposed to maintain authority and to defend that which exists, and specially so disposed in England and America because the law which they study and practice is founded on precedents and despises abstract reason. A third exists in the jury, and particularly the jury in its action in civil causes, for it teaches the people not only the regular methods of law and justice, but respect for law and for the judges who administer it.

Next we come to an enumeration of the causes which maintain republican government. They are, over and above the constitutional safeguards already discussed, the following :

The absence of neighboring States, and the consequent absence of great wars, of financial crises,¹ of invasions or conquests. How dangerous to republics is the passion for military glory is shown by the two elections of General Jackson to be President, a man of violent temper and limited capacity, recommended by nothing but the memory of his victory at New Orleans twenty years before.²

The absence of a great capital.

The material prosperity of the country, due to its immense extent and natural resources, which open a boundless field in which the desire of gain and the love of independence may gratify themselves and render the vices of man almost as useful to society as his virtues. The passions which really agitate America are commercial, not political.

The influence of religion. American Protestantism is republican and democratic: American Catholicism no less so; for Catholicism tends itself to an equality of conditions, since it treats all men alike. The Catholic clergy are as hearty republicans as any others.

The indirect influence of religion on manners and morality. Nowhere is marriage so much respected and the relations of the sexes so well ordered. The universal acceptance of Christianity, an acceptance which imposes silence even on the few sceptics who may be supposed to exist here as everywhere, steadies and restrains men's minds. "No one ventures to proclaim that everything is permissible in the interests of society. Impious maxim, which seems to have been invented in an age of liberty in order to give legitimacy to all tyrants to come."

The Americans themselves cannot imagine liberty without Christianity. And the chief cause why religion is so power-

¹This observation seems strange indeed to any one who has read the commercial history of the United States since the great crisis of 1838.

²Jackson's popularity began with his military exploit: but his hold on the people was due to other causes also. His election coincided with the rise of the great democratic wave already referred to.

ful among them is because it is entirely separated from the State.¹

The intelligence of the people, and their education, but especially their practical experience in working their local politics. However, though everybody has some education, letters and culture do not flourish. They regard literature properly so called with disfavor: they are averse to general ideas. They have no great historian, not a single poet, legal commentators but no publicists, good artisans but very few inventors.²

Of all these causes, the most important are those which belong to the character and habits of the people. These are infinitely more important sources of well being than the laws, as the laws are in turn more important than the physical conditions.

Whether democracy will succeed in other parts of the world is a question which a study of America does not enable the observer confidently to answer. Her institutions, however suitable to her position in a world of her own, could not be transferred bodily to Europe. But the peace and prosperity which the Union enjoys under its democratic government do raise a strong presumption in favor of democracy even in Europe. For the passions and vices which attack free government are the same in America as in Europe, and as the legislator has overcome many of them there, combating envy by the idea of rights, and the presumptuous ignorance of the crowd by the practice of local government, he may overcome them here likewise.

One may suppose other institutions for a democracy than those the Americans have adopted, and some of them better ones. Since it seems probable that the peoples of Europe will

¹ I do not profess to summarize in these few lines all that De Tocqueville says of the character and influence of Christianity in the United States, for he devotes many pages to it, and they are among the wisest and most permanently true that he has written.

² Can this have been true even in 1832?

have to choose between democracy and despotism, they ought at least to try the former, and may be encouraged by the example of America.

A concluding chapter is devoted to speculations on the future of the three races which inhabit the territories of the United States. (I need not transcribe what he says of the unhappy Indian tribes. Their fate was then already certain: the process which he saw passing in Alabama and Michigan is now repeating itself in California and Oregon.)

The presence of the blacks is the greatest evil that threatens the United States. They increase, in the Gulf States, faster than do the whites. They cannot be kept forever in slavery, the tendencies of the modern world run too strongly the other way. They cannot be absorbed into the white population for the whites will not intermarry with them, not even in the North where they have been free two generations. Once freed, they would be more dangerous than now, because they would not long submit to be debarred from political rights. A terrible struggle would ensue. Hence the Southern Americans, even those who regret slavery, are forced to maintain it, and have enacted a harsh code which keeps the slave as near as possible to a beast of burden, forbidding him to be taught and making it difficult for him to be manumitted. No one in America seems to see any solution. The North discusses the problem with noisy inquietude. The South maintains an ominous silence. Slavery is evidently economically mischievous, for the Free States are far more prosperous: but the South holds to slavery as a necessity.

As to the Federal Union, it shows many signs of weakness. The States have most of the important powers of government in their hands; they have the attachment of the people; they act with vigor and promptitude, while the Federal authority hesitates and argues. In every struggle that has heretofore arisen the Federal Government has given way, and it possesses neither the material force to coerce a rebellious State nor a clear legal right to retain a member wishing to dissolve the

Federal tie. But although the Union has no national patriotism to support it (for the professions of such patriotism one hears in America are but lip-deep), it is maintained by certain interests—the material interests which each part of the country has in remaining politically united with the rest. Against these one finds no strong interests making for material severance, but one does find diversities not indeed of opinion—for opinions and ideas are wonderfully similar over the whole country—but of character, particularly between Northern and Southern men, which increase the chances of discord. And in the rapid growth of the Union there lies a real source of danger. Its population doubles every twenty-two years. Before a century has passed its territory will be covered by more than a hundred millions of people and divided into forty States. Now all partnerships are more difficult to keep together the more the number of partners increases.¹ Even admitting, therefore, that this hundred millions of people have similar interests and are benefited by remaining united, still the mere fact that they will then form forty nations, distinct and unequally powerful, will make the maintenance of the Federal Government only a happy accident. “I cannot believe in the duration of a government whose task is to hold together forty different peoples spread over a surface equal to the half of Europe, to avoid rivalries, ambitions and struggles among them, and to unite the action of their independent wills for the accomplishment of the same plans.”²

The greatest danger, however, which the Union incurs as it grows is the transference of forces which goes on within its own body. The Northern States increase more rapidly than the Southern, those of the Mississippi Valley more rapidly

¹ No proof is given of this proposition, which is by no means self-evident, and which has indeed all the air of a premiss laid down by a schoolman of the thirteenth century.

² He has however nowhere proved that the States deserve to be called “peoples.”

still. Washington, which when founded was in the centre of the Union, is now at one end of it. The disproportionate growth of some States menaces the independence of others. Hence the South has become suspicious, jealous, irritable. It fancies itself oppressed because outstripped in the race of prosperity and no longer dominant. It threatens to retire from a partnership whose charges it bears, but whose profits it does not share.¹

Besides the danger that some States may withdraw from the Union (in which case there would probably be formed several federations, for it is highly unlikely that the original condition of State isolation would reappear), there is the danger that the central Federal authority may continue to decline till it has become no less feeble than was the old Confederation. Although Americans fear, or pretend to fear, the growth of centralization and the accumulation of powers in the hands of the Federal Government, there can be little doubt that the central Government has been growing steadily weaker, and is less and less able to face the resistance of a refractory State. The concessions of public territory made to the States, the hostility to the United States Bank, the (virtual) success of South Carolina in the Nullification struggle, are all proofs of this truth. General Jackson (then President) is at this moment strong, but only because he flatters the majority and lends himself to its passions. His personal power may increase, but that of the President declines. "Unless I am strangely mistaken, the Federal Government of the United States tends to become daily weaker, it draws back from one kind of business after another, it more and more restricts the sphere of its action. Naturally feeble, it abandons even the appearance of force. On the other side, I think I perceive that in the United States the sentiment of independence becomes more and more lively

¹The protective tariff was felt as a grievance by the South, being imposed in the interest of the Northern and Middle States. No doubt, the North got more gain out of the Union than the South did.

in the States, and the tone of provincial government more and more pronounced. People wish to keep the Union, but to keep it reduced to a shadow: they would like to have it strong for some purposes and weak for the rest—strong in war and almost non-existent in peace—forgetting that such alternations of strength and weakness are impossible.”

Nevertheless the time when the Federal power will be extinguished is still distant, for the continuance of the Union is desired, and when the weakness of the Government is seen to threaten the life of the Union, there may be a reaction in its favor.

Whatever may be the future of the Federation, that of republicanism is well assured. It is deeply rooted not only in the laws, but in the habits, the ideas, the sentiments, even the religion of the people. It is indeed just possible that the extreme instability of legislation and administration may some day disgust the Americans with their present government, and in that case they will pass rapidly from republicanism to despotism, not stopping by the way in the stage of limited monarchy. An aristocracy, however, such as that of the old countries of Europe, can never grow up. Democratic equality will survive, whatever be the form which government may take.

This brief summary, which gives no impression of the elegance of De Tocqueville's reasonings, need not be pursued to include his remarks on the commercial and maritime greatness of the United States, nor his speculations on the future of the Anglo-American race. Still less shall I enter on the second part of the book, for (as has been observed already) it deals with the ideas of democracy and equality in a very abstract and sometimes unprofitable way, and would need a separate critical study.

But before passing on to consider how far the United States now differ from the republic which the French philosopher described, we must pause to ask ourselves whether his description was complete.

It is a salutary warning to those who think it easy to get to the bottom of the political and social phenomena of a nation, to find that so keen and so industrious an observer as De Tocqueville, who has seized with unrivalled acuteness and described with consummate art many of the minor features of American politics, has omitted to notice several which had already begun to show their heads in his day, and have since become of the first importance. Among these are

The system of party organization. It was full grown in some States (New York for instance), and spreading quickly through the rest.

The influence of commercial growth and closer commercial relations in binding together different States of the Union and breaking down the power of State sentiment. He does once refer to this influence, but is far from appreciating the enormous power it was destined to exercise, and must have exercised even without railways.

The results of the principle proclaimed definitely just before his visit, that public office was to be bestowed for political service alone, and held only so long as the party which bestowed it remained in power.

The rise of the Abolitionists (they had begun to organize themselves before 1830 and formed a National Anti-Slavery Society in 1833) and the intense hostility they aroused in the South.

The growth of the literary spirit, and the beginnings of literary production. The society which produced Hawthorne, Emerson, Longfellow, Channing, Thoreau, Prescott, Ticknor, Margaret Fuller—not to add some equally famous living names—deserved mention as a soil whence remarkable fruits might be expected which would tell on the whole nation. Yet it is not once referred to, although one can perceive that De Tocqueville had spent some time in Boston, for many of his views are due to the conversations he held with the leading Whigs of that day there.

The influence of money on politics. It might have been

foretold that in a country with such resources and among a people of such restless commercial activity, great piles of wealth would soon be accumulated, that this wealth would find objects which it might accomplish by legislative aid, would seek to influence government, and would find ample opportunities for doing so. But of the dangers that must thence arise we do not hear a word.

V. EXAMINATION OF DE TOCQUEVILLE'S VIEWS AND PREDICTIONS.

Such were the United States in 1832, such the predictions which an unusually penetrating and philosophic mind formed of their future. I will not attempt to enquire whether his picture is in all respects accurate, because it would be unprofitable to contest his statements without assigning one's own reasons, while to assign them would lead me into a historical disquisition. A shorter and simpler course will be to enquire in what respects things have changed since his time, for thus we shall be in a position to discern which of the tendencies he noted have proved permanent, what new tendencies have come into being, what are those in whose hands the destinies of the Republic now lie.

I have noted at the end of last section the phenomena which, already existing in De Tocqueville's time, he omitted to notice or to appraise at their due value. Let us see what time has brought forward since his day to alter the conditions of the problem as he saw it.

The great events that have befallen since 1834, are these :
The annexation of Texas in 1845.

The war with Mexico in 1846, leading to the enlargement of the United States by the vast territories of California, Nevada, Utah, Idaho, Arizona and New Mexico.

The making of railways over the whole country culminating with the completion of three great Trans-Continental roads in 1869, 1881 and 1883 respectively.

The establishment of lines of swift ocean steamers between America and Europe.

The immigration from Ireland (immensely increased after the famine of 1846), and from Germany (beginning somewhat later).

The War of Secession, 1861-65.

The laying of submarine cables to Europe, and extension of telegraphic communication over the whole Union.

The settlement of the Alabama claims, an event scarcely less important in American history than in English, because it has immensely diminished the likelihood of a war between the two countries. In De Tocqueville's time the hatred of Americans to England was rancorous.¹

The growth of great cities. In 1830, only two had a population exceeding 100,000. There are now (census of 1880) twenty which exceed that population.

The growth of great fortunes, and of wealthy and powerful trading corporations: the stupendous development of speculation, not to say gambling, in stocks, shares and produce.

The growth of the universities and of many kindred literary and scientific institutions.

These are events which have told directly or indirectly upon politics. I go on to enumerate the political changes themselves of the same fifty years.

The démocratization of State Constitutions, total abolition of property qualifications, choice of judges by popular vote and for terms of years, restrictions on the power of State Legislatures, more frequent use of the Referendum.²

Development of the spoils system, consequent degradation of the increasingly large and important civil service, both Federal, State, and Municipal.

¹ "Il est impossible d'imaginer une haine plus venimeuse que celle des Américains contre les Anglais."

² In the form of the amendment of particular provisions of State Constitutions.

Perfection and hierarchical consolidation, on nominally representative, but really oligarchic lines, of party organizations; consequent growth of Rings and Bosses, and demoralization of city government.

Manumission and subsequent enfranchisement of the negroes in the Southern States.

Intensification of the national (as opposed to State) sentiment consequent on the War of Secession; passion for the national flag; rejection of the dogmas of State sovereignty and right of nullification.

To these I add, as powerfully affecting politics, the development not only of literary, scientific and historical studies, but in particular of a new school of publicists, who discuss constitutional and economic questions in a philosophic spirit; closer intellectual relations with Europe, and particularly with England and Germany; increased interest of the best class of citizens in politics; improved literary quality of the newspapers and of periodicals (political and semi-political) generally; growth of a critical and sceptical spirit in matters of religion and philosophy; diminished political influence of the clergy.

We may now ask which of De Tocqueville's observations have ceased to be true, which of his predictions falsified. I follow the order in which they were presented in last chapter.

Although the powers of the several States remain in point of law precisely what they were (except as regards the Constitutional amendments presently to be noticed) and the citizen depends as much on the State in all that relates to person and property, to the conduct of family and commercial relations, the National or Federal Government has become more important to him than it was then. He watches its proceedings more closely, and, of course, thanks to the telegraph, knows them sooner and more fully. His patriotism is far more national, and in case of a conflict between one or more States and the Federal power, the sympathies of the other States would almost certainly be with the latter.

Local government has been maintained in its completeness,

but it seems to excite less interest among the people. In the larger cities it has fallen into the hands of professional politicians, who have perverted it into a grasping and sordid oligarchy.

There is still, as compared with Continental Europe, wonderfully little "administration." One is seldom reminded of the existence of a government. But the influence of Federal legislation on the business of the country is more considerable, for the tariff and the currency, matters of immense consequence ever since the war, are in its hands.

The dignity of the judicial bench has in most States suffered seriously from the system of popular election for comparatively short terms. In those States where nomination by the Executive has been retained, and in the case of the Federal Judges (nominated by the President) their position is perhaps the highest permanent one open to a citizen.

The President's authority received a portentous increase during the war, and although it has now returned to its normal condition, the sense of its importance has survived. His election is contested with increasing excitement, for his immense patronage and the magnitude of the issues he may influence by his veto power gives individuals and parties the strongest grounds for hope and fear. Experience has, on the whole, confirmed the view that the re-eligibility of an acting President (*i. e.*, the power of electing him for an immediately succeeding term) might be dispensed with.

The credit of the Supreme Court suffered somewhat from its pro-slavery decisions just before the war, and has suffered slightly since in respect to its treatment of the Legal Tender question. Nevertheless it remains respected and influential.

The State Constitutions, nearly all of which have been re-enacted or largely amended since 1834, remain inferior to the Federal Constitution, and the State legislatures are, of course (possibly with a few exceptions in the New England States), still more inferior to Congress.

Two great parties reappeared immediately after De Tocqueville wrote, and except for a brief interval before the war when

the Whig party had practically expired before its successor and representative the Republican party had come to maturity, they have continued to divide the country, making minor parties of slight consequence. Now and then an attempt is made to start a new party as a national organization, but it rarely becomes strong enough to maintain itself. The rich and educated renewed their interest in politics under the impulse of the Slavery and Secession struggle. After an interval of subsequent apathy they seem to be again returning to public life. The secret murmurs against democracy, whereof De Tocqueville speaks, are confined to a mere handful of fashionable exquisites less self-complacent now than they were in the days when they learnt luxury and contempt for the people in the Paris of Louis Napoleon.

Although the newspapers are much better written than formerly and those of the great cities travel further over the country, the multitude of discordant voices still prevents the people from being enslaved by the press. The habit of association by voluntary societies continues to grow.

The deficiencies of the professional politicians, a term which now more precisely describes those whom De Tocqueville calls by the inappropriate European name of the governors, continue marked.

So, too, the House of Representatives continues inferior to the Senate, but for other reasons than those which De Tocqueville assigns, and to a less degree than he describes. The Senate has latterly not maintained the character he gives it.

Whether American magistrates did ever in general enjoy the arbitrary power De Tocqueville ascribes to them, may be doubted. They do not enjoy it now, but in municipalities there is a growing tendency to concentrate power in the hands of one or a few officers in order that the people may have some one person on whom responsibility can be fixed. A few minor offices are unsalaried; the salaries of the greater ones have been raised, particularly in the older States.

The methods of administration, especially of Federal admin-

istration, have been much improved, but are still behind those of Europe, one or two departments excepted.

Government is far from economical. The war of the Rebellion was conducted in the most lavish way : the high protective tariff raises a vast revenue and direct local taxation takes more from the citizen than in most European countries.

Congress does not pass many statutes, nor do they greatly alter the law. Many legislative experiments are tried in the newer States, but the ordinary private law is in no such condition of mutability as De Tocqueville describes. The law of England suffered more changes between 1868 and 1885 than either the common or statute law of the older States of the Union.

The respect for the rights of others, for the regular course of law, for the civil magistrate, remains strong ; nor have the rich (at least till within the last year or two) begun to apprehend any attacks on them, otherwise than as stockholders in great railway and other corporations.

The tyranny of the majority does not strike one as a serious evil in the America of to-day, though to be sure people are always foretelling the mischief it will do. It cannot act through a State legislature so much as it may have done in De Tocqueville's days, for the wings of these bodies have been generally clipped by the newer State constitutions. Faint are the traces which remain of that intolerance of heterodoxy in politics, religion or social views whereon he dilates. Politicians on the stump still flatter the crowd, but many home truths are told to it nevertheless in other ways and places, and the man who ventures to tell them need no longer fear social proscription in the Northern or Western States, perhaps not even in the Southern.

The Republic has come scatheless out of a great war, and although the laurels of the general who concluded that war twice secured for him the Presidency, they did not make his influence dangerous to freedom. There is indeed no great capital, but there are cities greater than most European capi-

tals, and the Republic has not been imperilled by their growth. The influence of the clergy on public affairs has declined: whether or no that of religion has also been weakened it is more difficult to say. But every body continues to agree that religion gains by its entire detachment from the State.

The negro problem remains, but it has passed into a new and for the moment less threatening phase. Neither De Tocqueville nor any one else could have then foreseen that manumission would come as a war measure, and be followed by the grant of full political rights. It is no impeachment of his judgment that he omitted to contemplate a state of things in which the blacks have been made politically the equals of the whites, while immeasurably inferior in every other respect, and destined, apparently, to remain wholly separate from them. He was right in perceiving that fusion was not possible, and that liberation would not solve the problem, because it would not make the liberated fit for citizenship. His remark that the social repulsion between the races in the South would probably be greater under freedom than under slavery has so far been strikingly verified by the result.

All the forces that made for the maintenance of the Federal Union are now stronger than they were then, while the chief force that opposed it, viz., the difference of character and habits between North and South, largely produced by the existence of slavery, tends to vanish. Nor does the growth of the Union make the retention of its parts in one body more difficult. On the contrary, the United States is a smaller country now when it stretches from the Bay of Fundy to the Gulf of California, with its sixty millions of people, than it was then with its thirteen millions, just as the civilized world was larger in the time of Herodotus than it is now, for it took twice as many months to travel from Persepolis or the Caspian Sea to the Pillars of Hercules as it does now to circumnavigate the globe, one was obliged to use a greater number of languages, and the journey was incomparably more dangerous.

Before steamboats plied on rivers, and trains ran on railways, three or four weeks at least were consumed in reaching Missouri from Maine. Now one goes in seven days of easy travelling from Portland in Maine to Portland in Oregon. Nor has the increased number of States bred more dissensions. The thirty-eight states are not as De Tocqueville assumes, and this is the error which vitiates his reasonings, thirty-eight nations. The differences in their size and wealth have become greater, but they work more harmoniously together than ever heretofore, because neither the lines which divide parties nor the substantial issues which affect men's minds coincide with State boundaries. The Western States are now, so far as population goes, the dominant section of the Union, and become daily more so. But their interests link them more closely than ever to the North, through which their products pass to Europe, and the notion once entertained of moving the capital from Washington to the Mississippi valley has been quietly dropped.

Before bidding farewell to De Tocqueville, let us summarize his conclusions and his predictions.

He sees in the United States by far the most successful and durable form of democratic government that has yet appeared in the world.

Its merits are the unequalled measure of freedom, as respects action, not thought, which it secures to the ordinary citizen, the material and social benefits it confers on him, the stimulus it gives to all his practical faculties.

These benefits are likely to be permanent, for they rest upon the assured permanence of

Social equality.

Local self-government.

Republican institutions.

Widely diffused education.

It is true that these benefits would not have been attained so quickly nor in such ample measure but for the extraordinary natural advantages of the New World. Nevertheless, these

natural advantages are but subsidiary causes. The character of the people, trained to freedom by experience and by religion, is the chief cause, their institutions the second, their material conditions only the third; for what have the Spaniards made of like conditions in Central and South America?

Nevertheless, the horizon is not free from clouds.

What are these clouds?

Besides slavery and the existence of a vast negro population they are:

The conceit and ignorance of the masses, perpetually flattered by their leaders, and therefore slow to correct their faults.

The withdrawal from politics of the rich, and inferior tone of the governors, *i. e.* the politicians.

The tyranny of the majority, which enslaves not only the legislatures, but individual thought and speech, checking literary progress, preventing the emergence of great men.

The concentration of power in the legislatures (Federal and State), which weakens the Executive, and makes all laws unstable.

The probable dissolution of the Federal Union, either by the secession of recalcitrant States or by the slow decline of Federal authority.

There is therefore warning for France in the example of America. But there is also encouragement—and the encouragement is greater than the warning.

Of these clouds one rose till it covered the whole sky, broke in a thunderstorm and disappeared. Some have silently melted into the blue. Some still hang on the horizon, darkening large parts of the landscape. But how near may be the danger they threaten, and how serious, are questions fitter to be discussed by Americans than by a European.

X

THE STUDY OF HISTORY

IN

ENGLAND AND SCOTLAND

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History — *Freeman*

FIFTH SERIES

X

THE STUDY OF HISTORY
IN
ENGLAND AND SCOTLAND

By PAUL FREDERICQ

Professor in the University of Ghent

Authorized Translation from the French by Henrietta Leonard, A. B. (Smith College)

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NOTE BY THE EDITOR.

The unavoidable and indeed prudent delay of certain long-promised municipal studies and the very agreeable change of thought introduced by Mr. James Bryce in his recent paper on "The Predictions of Hamilton and De Tocqueville," have induced the editor to modify his plans for the remainder of the present Series. He takes great pleasure in presenting to his countrymen the interesting Notes and Impressions of Professor Paul Fredericq, of the University of Ghent, concerning Advanced Instruction in History in England and Scotland. These suggestive observations have been admirably translated into English by a former pupil, a graduate of Smith College, Miss Henrietta Leonard, of Philadelphia, the first lady contributor to these Studies. Professor Fredericq is the first contributor from the Continent, as Professors Bryce and Freeman were the first from England, and Dr. Bourinot the first from Canada.

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THE STUDY OF HISTORY

IN

ENGLAND AND SCOTLAND.

In April, 1884, the University of Edinburgh celebrated its three hundredth anniversary with a festival not soon to be forgotten by those who had, as I had, the good fortune to be present.

I took the opportunity that a trip to Scotland afforded, to observe the methods of advanced instruction in history in that country, and, afterward, to pursue the investigations in England, before returning to Belgium. M. Van Humbeck, our late minister of public instruction, entrusted this task to me in order to complete the information gathered on my two previous missions, in 1881 and 1882, to Germany and Paris.¹

I.—UNIVERSITIES OF SCOTLAND.

Scotland has four universities: Edinburgh, Glasgow, St. Andrew's and Aberdeen.² The first is particularly flourishing, and is noted for its Medical Faculty.³

¹ See author's articles *De l'Enseignement supérieur de l'histoire en Allemagne* (*Revue de l'instruction Publique en Belgique*, Vol. XXIV, pp. 18-53, and Vol. XXV, pp. 79-92) and *De l'Enseignement supérieur de l'histoire à Paris* (*Revue internationale de l'enseignement*, Paris, July 15, 1883, 61 pages).

² In round numbers there were at these four universities in 1884: At Edinburgh, 3,300 students; at Glasgow, 2,000; at Aberdeen, 900; at St. Andrews, 250.

³ I visited only the universities of Edinburgh and Glasgow, whose management is excellent and whose corps of professors counts, especially at Edinburgh, savants of European reputation.

I was astonished to find that history is in reality excluded from the curriculum of Scottish universities. At Aberdeen and St. Andrew's it has not the slightest notice, save cursorily in the department of Latin, Greek, and English literature. At Edinburgh and Glasgow there is a single course, called "Constitutional Law and History," that is taken only by law-students, and is a course in jurisprudence rather than in history. But the fact that at Edinburgh the professor in charge of this department, Mr. J. Kirkpatrick, wears the title, Professor of History, marks a little progress and implies hope for the future.

Mr. Kirkpatrick, who kindly furnished me these details, arranges his course in constitutional law and history—chiefly English—as follows: he requires of his pupils, who are law-students, four recitations and one hour of written work, each week during the summer term. The subjects treated are the points the professor has discussed, in relation to which the pupils have read indicated portions of such well-known authors as Stubbs, Hallam, May, Freeman, Molesworth, Gneist, and Guizot.

I give, as illustrations, the questions used in two of these written examinations.

First examination, Wednesday, 23d May, 1884: 1. What is the domain of constitutional law? 2. Describe briefly the political organizations of the Anglo-Saxons about the middle of the eleventh century. 3. How does the feudalism established by William the Conqueror differ from the feudalism of the Continent? 4. What were the chief articles of the charter of Henry I.? 5. How were the evils of feudalism aggravated during the reign of Stephen? 6. What were the principal stipulations of the Constitutions of Clarendon?

Ninth and last examination, Wednesday, 21st July, 1884: 1. Enumerate the rules of constitutional law contained in the Bill of Rights (1689) and in the Act of Settlement (1701). 2. Give the history of religious toleration in England from

the time of William III. to 1858. 3. How was the procedure in trials for high treason reformed under William III. and Queen Anne? 4. Give a brief outline of the question of exclusion of place-men from Parliament between 1701 and 1782. 5. Mention some characteristic acts proving the autocratic disposition of George III., and relate briefly the affair of Wilkes. 6. Name and explain briefly the consequences that followed the passage of the Reform Act in 1832, and show concisely the reforms effected by that law.

These written exercises are evidently mere repetitions of the professor's lectures. He corrects the papers and marks and ranks the students according to their merit. At the end of the term a prize, consisting of books, is given to the best two, and the names of all that have obtained at least seventy-five points out of one hundred are published in a rank-list. The professor also suggests one or two subjects for essays to be prepared independently. Prizes are awarded for the best of these. About thirty students choose this course.

At this elementary stage there can be no question of studying sources and inculcating methods of scientific research. The most that can be done is to inspire the desire of reading certain text-books and great works relating to the history of English constitutions. The easy written examinations at regular intervals keep the students on the alert, but do not urge them to individual research. They belong more properly to elementary teaching.

This incomprehensible exclusion of history from Scottish universities cannot continue. A new act of Parliament is in preparation which will enlarge the roll of the Faculty; let us hope that history will thus obtain the recognition it receives in the universities of all civilized countries, and which it long ago deserved in the country of Robertson, Walter Scott and Carlyle.

II.—CAMBRIDGE AND OXFORD.

No university on the Continent can impress the visitor as do time-honored Cambridge and Oxford. The two towns are scarcely more than villages like Göttingen; but the noble monuments of learning that abound there would furnish architectural glory for great cities. The English-Gothic style shines there in all its splendor. Where is it possible to find, save perhaps at Bruges or Nuremberg, such a cluster of masterpieces of secular mediæval architecture? And to their picturesque grandeur the charming gardens, parks stocked with deer and meadows dotted with venerable trees add enchanting beauty.

Whole streets are lined with handsome structures, the colleges or halls, most of them as large as the great *Lycées de Paris*. There are twenty-four at Oxford¹ and at Cambridge seventeen, each of them possessing a fine garden, a chapel that is often a handsome church, a noble dining-hall, a library often very rich, and one or several interior courts. In several of the colleges of Gothic style, these courts are bordered by cloisters, rivalling the most celebrated on the Continent; they would befit a monastery of the Middle Ages, but no monks are to be met there. Students and professors go to and fro in the morning, their heads covered with black, square-topped caps ornamented with a silk tassel,² like a Polish lancer's cap; they wear smartly over their jackets a gown of black woolen stuff,³ which suggests the flowing mantle of the seventeenth century, and is still the ceremonial costume of professors in

¹ At Oxford there are twenty-one colleges properly so-called and three halls, smaller and less important than the colleges.

² At the Norwegian University at Christiania the students wear a black head-gear of the same kind with the long silk tassel. At least such was the dress of their deputies whom I saw in 1877 at the fourth centennial celebration of the University of Upsala.

³ At Cambridge I saw also blue gowns. At Glasgow the toga was of a bright red.

Belgium and Holland ; but the English gown is shorter and more convenient than the latter, being made of lighter material.

After luncheon at one o'clock, all these learned caps and grave gowns disappear. In the gardens and through the streets of the town in every direction rove the students, in the gay costume of their college or club. The English student, faithful to the golden maxim, *mens sana in corpore sano*, devotes at least two hours a day to physical exercise in the open air. In winter he plays foot-ball ; in season he rows, plays cricket, tennis and lawn-tennis, or takes long excursions by carriage, on horseback, or perched on his bicycle, the vehicle being furnished at night with a little lantern and a gong for the benefit of pedestrians.

It is necessary to have seen these handsome young fellows, tall, slender, supple, muscular, browned by exposure, bending rhythmically to their oars or returning with vigorous stroke the white lawn-tennis ball, in those wide gardens with their carpets of fresh green unknown to us, in the shade of oaks, beeches and lime-trees older and more majestic than the noblest on the continent—it is necessary to have admired this goodly youth, in order to pity adequately the students of other countries, shut into great dirty cities, poorly lodged, rarely taking long walks, finding recreation only in heated ale-houses reeking with tobacco-smoke and stale odors of beer and alcohol.

In the evening the English students again put on their square caps and their gowns, to dine with their fellows and tutors in the college refectory,¹ usually a handsome Gothic

¹ Each student takes breakfast and luncheon in his own rooms, which consist of a good-sized study, a small sleeping-room, and a lumber-room called at Oxford the "scout's hole," and at Cambridge the "gyp-room." There is one servant for every six students, who takes care of the rooms and brings the meals. I visited the rooms of a student at Pembroke College, Oxford. There were a few books in sight, cards of invitation encircling the mirror, portraits of famous actresses, and three silver cups won in the athletic contests so high in favor with the youth beyond the Channel. It was evidently not to the room of a "reading man" that chance conducted me.

hall, ornamented with historic portraits and emblazoned windows.¹ After this repast they go to their rooms or those of friends to spend the evening, or to society-rooms, where the principal journals and reviews are to be found.² They never set foot in an alehouse. They return at nine o'clock to their college, being subject after that hour to a fine. By entering but a minute late they are exposed to severe penalties.

Each college is under the management of liberally paid officials, chosen from among the most distinguished men the university has produced. This is especially the case with the director or master. His assistants, called tutors, have oversight of the conduct of the students; they likewise have direction of the written examinations, indicate the books to be consulted and the courses to be pursued, give out written exercises, give private lessons, and even provide courses of study to supply deficiencies in the regular course.

The tutors thus relieve the professors of the tedious and exacting preparations of examination-papers. Free from this care the professor arranges his instructions as he thinks best. At Oxford he gives from time to time a state lecture, at which the Masters, ladies, and the public are present. As a rule he teaches as do the professors of the College of France, at Paris,

¹This dinner is very elaborate. I dined twice with the tutors at Balliol College. The *menu* consisted of two dishes of fish, two of meat, and dessert. They drank at choice beer, ale, sherry, port, bordeaux. Continental students have no idea of such daily feasting. It is well to add that parents pay about £200 a year for their sons' living at Oxford and Cambridge, although the vacations are very long. Poor students are exempted from such expense and live at about £80 a year. They are called "unattached students." They are the exception; at Oxford they number from 200 to 300 out of the 2,500.

²With Mr. Arthur Evans, son-in-law of Prof. Freeman, I visited the "Union" at Oxford, a general society of the students. I found a handsome lecture-hall, a smoking-room, restaurant, a room for writing and a large debating-room, in which are held public discussions always closed by vote. It is a true club, well-organized upon a larger scale than the principal aristocratic societies of Belgium.

without being restricted to a special course. The college, however, could not be more watchful over the pupils entrusted to it; for its reputation is at stake, surrounded as it is by numerous and no less ambitious rivals.

And here the point at issue is not simply academic rank: the richest universities, Oxford and Cambridge, which have an annual revenue of about £600,000,¹ confer each year by examination numerous scholarships and fellowships. The former are for undergraduates alone. Those who secure them are very proud of the honor, and wear a longer gown than their fellows. These scholarships, which vary from £40 to £100, and are granted for three, four, or even five years, materially lessen the burdens of parents. The fellowships are contested by young scholars who have finished their academic course, and wish to devote themselves to science. This is an admirable system, since it puts the man of letters above the consideration of income, and enables him to live for science alone. Sometimes an honorary title of fellow is conferred upon a noted scholar in order to give him pecuniary freedom appropriate to his rank. Thus Max Müller is a fellow of Oxford. The same support was recently given by Oxford to Mr. S. R. Gardiner, to allow him to devote all his time to his remarkable *History of England from 1642 to 1649*. The fellowships are secured for several years or for long terms, and are worth £150 to £200 or £300 annually.

For scholarships especially there is hot rivalry among the

¹ I give the following approximate estimate of Oxford's income in 1877: £16,800 from rent of real estate and similar sources; £20,000 from students' fees; £3,000 from the University press, etc. The total cannot be far from £35,000 or £40,000. In this estimate are not included the incomes of the twenty-four colleges, which are appropriated; *e. g.*, Balliol £6,000 to £7,000, Merton £18,000 to £20,000, New College £30,000 to £33,000, Christ Church £40,000 to £45,000. There must be much useless expense and squandering that has nothing in common with science in order to dispose of such fabulous sums. "Much waste," was a word I heard repeated again and again.

colleges. At Oxford, I was assured, the Balliol men are distinguished for taking high rank. A host of men conspicuous in literature and in politics have gone out from this college; such are Sir Stafford Northcote, leader of the Tories, Cardinal Manning, Lord Chief Justice Coleridge, the poet Swinburne, Matthew Arnold, Dean Stanley. Parliament boasts thirty Balliol men.

In short the colleges have far more to do with making the men than has the university. It may almost be said that this latter term is but a conventionality of academic speech, as Metternich used to contend that Italy was only a geographical expression.

Oxford and Cambridge seemed to me unsurpassed for harmonious development of body and mind. They send out men, gentlemen, in the highest sense of the noble word. As regards scientific organization, I imagine these two universities to be the College of France, enlarged by numerous college halls, responsible for the liberal training of its pupils. The colleges thus closely resemble the Belgian Faculties, which are chiefly professional schools, but with this difference, that the students in England do much more independent personal work.

III.—HISTORICAL INSTRUCTION AT CAMBRIDGE.

Until late years history has been crowded to the background as well at Oxford as at Cambridge. From time immemorial the latter university has put mathematics before all else, and Oxford, the branches relating to classic antiquity, especially the ancient languages. History, which enters only indirectly into these two specialties, was singularly neglected.

More than a century ago George I. founded at Cambridge a chair of modern history, whose incumbent is still called *Regius Professor*.¹ The head of the House of Hanover had

¹ At Cambridge and Oxford the chairs bear the name of their founder, who is also entitled professor.

in view the education of public officials and diplomatists. But more than once this chair has been filled by historians, it is true, but men who diligently took their ease in teaching history. The place was thus held for years by the poet Gray, who never gave a lecture and whose position as royal professor of modern history was a sinecure, though a very meagre honor, it appears, for his literary merit. For the last twenty years historical instruction has taken a more serious turn, especially since Mr. J. R. Seeley has filled the chair of modern history. This eminent publicist, author of several striking books anonymously published, such as "Ecce Homo" and "Natural Religion," is one of the wisest and most original political historians of contemporary England.¹ He has had a marked influence at Cambridge.

In this university the examination system is a series of severe tests, called triposes, which occur every spring. At first this examination turned chiefly on mathematics, preëminently the science of Cambridge. In 1824 a second tripos was instituted for Latin and Greek, in 1851 a third for moral science and a fourth for natural sciences, and in 1856 a fifth for theology. Then came the turn of jurisprudence, to which was attached modern history, beginning at 1870. Finally a separate tripos for universal history was instituted in 1875.

In four of the seventeen colleges of Cambridge special lecturers² are provided to prepare the students for the historical examination. They are: at Trinity College, Mr. B. E. Hammond; at King's, Mr. O. Browning and Mr. Prothero; at Trinity Hall, Mr. Thornley, and at St. John's, Mr. Tanner. Three years are spent in reading for this examination, for which the degree B. A. is conferred. The same degree,

¹ Those of his historical works best known on the Continent are: *Life and Times of Stein*, Germany and Prussia in the Napoleonic Age (3 vols., 1878), and *The Expansion of England* (1884).

² These lecturers have incomes varying from £150 to £300. There are also private tutors who make a living from their lessons.

equivalent to a doctor's degree,¹ can be taken in the other triposes, each student choosing his specialty.

The historical tripos² is as follows. The examination bears upon English history, including that of Scotland, Ireland, the British Colonies and their dependencies; upon certain indicated parts of ancient, mediæval and modern history; upon the principles of political economy and the theory of law; upon English constitutional law and history of the English constitution; upon public international law in connection with detailed study of certain celebrated treaties; finally, a thesis must be written upon a subject chosen from the ten proposed.

This course was arranged according to the suggestion of a council held in 1873, which formulated its conclusions in these terms: "The council is of the opinion that history, considered as a specialty with a separate tripos, ought to be constructed on a larger scale than when it was merely an accessory to other examinations. Therefore it is proposed to assign to ancient and mediæval history a place in the tripos coördinate with that held by modern history, so that the subject may be presented as a scientific whole.

"It is proposed also to unite each branch of history with one of the principal sciences that depend upon it."

As I have said above, the preparation for the historical tripos requires three years. As a rule the three years are thus employed. The first is devoted to general English history, to economics, and to a special subject of ancient history. The second year is employed in reading part of the history of the English constitution, political economy, and a special sub-

¹ The title of Doctor or Master of Arts is obtained without examination at least three and a half years after graduation. A tax of about £20 is paid and the candidate appears before the chancellor of the university to be proclaimed M. A. with traditional ceremonies scrupulously observed.

² See "The Student's Guide to the University of Cambridge," Part IX, Historical Tripos (Cambridge, 1882); and Cambridge Examination Papers (Easter Term, 1883, CLXXI. Easter Term, 1884, CLXXXIX, Cambridge, 1883 and 1884).

ject of the Middle Ages. During the third year the history of the constitution is finished and the remaining time given to international law, to political and juridical philosophy, to a special subject of modern history and a special subject of the history of international treaties.

Mr. B. E. Hammond, M. A., fellow of Trinity College, who has carefully drawn up recommendations for students of history,¹ insists upon the following points: "The student shall take with extreme care the college lectures that bear upon the special subjects indicated for theses; for if he lose one of these lectures, it will be, as a rule, impossible for him to obtain any help in preparing that part of his subject; the lecturer will not repeat his readings and it is not to be supposed that anyone else has studied the subject enough to furnish the same information.

"In addition to those lectures specially intended to prepare for examination, the student will attend, so far as he can, during the three years, the lectures of the royal professor of history—Mr. Seeley."

The author then goes on to give in detail the books to be consulted. As this part of Mr. Hammond's directions shows the character of the examinations, I think well to transcribe it here.

"For English history," he says, "it will be impossible to give a list of works that will apply uniformly to all students; for a man, who before entering the university is not familiar with the outlines of English history, will not find time to read more than J. F. Bright's 'History of England' and Green's 'Short History of the English People.'" Those, on the contrary, who have learned the general facts in their previous reading will be able to extend their research at the university. It is impossible to acquire a satisfactory knowledge of English history by reading one or two authors; in all cases, a part of this reading ought to precede entrance to the university. It

¹ See his Article in Student's Guide to the University of Cambridge, 1882.

is rare to meet a student who on entering Cambridge possesses the general knowledge contained in the above-mentioned books; but this rare man has a great advantage over his fellows. He can immediately begin serious study and combine constitutional with general history. To a student thus prepared the following list of works will be useful.

I. For the Anglo-Saxon period: Lappenberg's "Anglo-Saxon Kings," translated from the German; Freeman's "Norman Conquest," chap. III, and "Old English History," by the same author. II. For the period between the Norman Conquest and the revolution of 1640: Lingard's "History of England" (combined with some other author, as, for example, Mackintosh on the Reformation); Stubbs' "Constitutional History," chapters IX to XIII, "Documents illustrative of English History," and Hallam's "Constitutional History" to chapter XV. III. For the period following the English revolution: Macaulay; Stanhope's "Reign of Queen Anne;" the reigns of George I and George II in Stanhope's "History of England" (Mahon); Massey, "George III;" Miss Martineau, "History of Peace" (the introduction); and for the corresponding history of the English Constitution, Hallam, chap. XV and XVI; and Erskine May, "Constitutional History."

As to the history of Scotland, Ireland, and the English colonies with their dependencies, the parts that pertain directly to the history of England would naturally first demand the reader's attention. General notions will have been already furnished by the works just given. It is, however, fitting to mention here the best authorities for certain periods of the modern history of the United Kingdom; thus, for Scotland, Burton's "History of Scotland" from 1689 to 1748; for the colonies in their past and present circumstances, Bancroft's "History of the United States," and Heeren's "Manual of the Political History of Europe and her Colonies" (translated).

For political and juridical philosophy: Aristotle, "Politics;"

Guizot, "*Histoire de la Civilisation en Europe*;" Tocqueville, "*Old Regime*;" Stuart Mill, "*On Representative Government*;" Freeman, "*History of Federal Government*" (introduction); Justinian, "*Institutes*;" Gibbon, "*Decline and Fall of the Roman Empire*," Chap. XLIV; Austin, "*Province of Jurisprudence Determined*" (lessons V and VI); Maine, "*Ancient Law*;" J. F. Stephen, "*General View of the Criminal Law of England*;" Savigny, "*System des Heutigen Römischen Rechts*," Vol. I, Bk. I and II, Chap. I. There is one translation of this work by Guenoux, entitled "*Traité du Droit Romain*." Considerable extracts are also to be found in English in Reddie, "*Inquiries in the Science of Law*," 2d edition.¹

For constitutional law and history of the English Constitution: Blackstone, "*Commentaries*" (Book I, Chap. II to XIII; Book II, Chap. IV to VI; Book III, Chap. III to VI; Book IV, Chap. XIX and XXXIII); Stubbs, "*Select Charters*;" Hallam; Erskine May; Guizot, "*Histoire de la Civilisation en France*;" Bryce, "*Holy Roman Empire*."

For political economy and economic history: Smith, "*Wealth of Nations*" (ed. McCulloch, Bk. I, Chap. I, V, and X; Bks. III and IV); Mill, "*Political Economy*;" Brentano, "*On the History and Development of Guilds and the Origin of Trade Unions*" (translated); Leone Levi, "*History of British Commerce*;"² Baxter, "*National Income*," "*The Taxation of the United Kingdom*," "*National Debts*."

¹ This reference to the French translation of a German work is explained by the fact that a knowledge of German is very rare among English students, although French is familiar enough to many of them. I have been told that out of every three students at Oxford, one is likely to be reading a French book; while, on the contrary, only one out of fifty can do as much with a German book. Nevertheless, few of those who read French read with sufficient ease to consult freely the French authors. At Cambridge the situation is practically the same.

² Mr. Cunningham's recent work, "*The Growth of English Industry and Commerce*," is also used.

For international law: Wheaton, "International Law" and "History of International Law."

Mr. Hammond supplements this long and interesting enumeration by these general remarks: "It is possible that some students will read entirely through each of the books in the above list. It is certain that all will do well to read many of them thus; but each man ought to judge for himself how much he can do. Upon this point no one can give advice of universal application, except that every student ought to read through the book in hand, at risk of sacrificing others. Individual predilections and biasses alone can determine what one should read and what neglect.

"For the special subjects prescribed in the curriculum for each year, the Board recommend no authors; the students can get advice from the respective lecturers."

These special subjects are chosen and published in advance. The following are the subjects of three successive years: For 1882—Greek history, from 776 to 479 B. C.; history of France, 1302 to 1494; history of England, 1649 to 1714; history of international treaties, 1648 to 1721. For 1883—Roman history, 509–290 B. C., including the political institutions of the empire; history of Western Europe, 476 to 800, including relations with the Eastern Empire; English Reformation, 1509–1560; history of treaties, 1648–1697. For 1884—Greek history, 510 to 403 B. C.; history of Italy, 1250–1494; history of England, 1603–1660; history of treaties, 1697 to 1763. For the subjects of the last year the students had to consult especially, Grote, Sismondi, Gardiner, Ranke ("Englische Geschichte," translated), Koch, and Schœll ("Histoire abrégée des traités de paix entre les puissances de l'Europe, depuis les traités de Westphalie, 15 vol., 1817).

All regulations of the history examinations are determined by a special board, called "Board for History and Archæology," which was instituted about ten years ago and is partially renewed every year. The members are elected by

alumni.¹ At present this Board consists of the royal professor, Mr. Seeley, and of Mr. Hammond, Mr. Browning, Mr. Prothero, Mr. Thornely and Mr. Tanner, the five lecturers in history.

The tripos is a severe test. It may not last less than five consecutive days, and takes place in May of each year. The competitors assemble in a large hall and do their work in writing. I give below the paper for 1884.²

On Monday, May 26, the candidates had already, between the hours of nine and twelve, answered nine questions in Greek history, and in the afternoon, between one o'clock and four, they had to answer nine out of these twelve questions:

1. "It is a fact that some men are free and others slaves: the slavery of the latter is useful and just"³ (Aristotle, "Politics," I, 15).—"We hold this truth as self-evident; that all men were created equal" (Declaration of Independence of the United States). What arguments can you bring to support these two assertions? Show to what extent it is possible to reconcile them.

2. Show briefly the necessity and the nature of the reforms instituted by Justinian in his legislation.

3. The epoch of heroic kings is followed by the epoch of aristocracies (Maine). Prove this statement from Roman history and from the history of a nation of the West or North, showing the part played by these aristocracies in the development of laws.

4. Guizot considered feudalism a species of federal government; weigh the arguments in favor of this view and compare feudalism with other ancient and modern confederations.

¹ The Regius Professor is a member *ex officio*. At Cambridge and Oxford the graduates meet from time to time and take action upon all questions of organization. It was this body who voted in 1884 by a large majority for the admission of women to the academic examinations at Oxford. The universities profit by the salutary principle of self-government which is at the base of everything in that happy country.

² See Cambridge Univ. Examination Papers, Easter Term, 1884.

³ The Greek text of Aristotle was given.

5. Consider the causes of the universal growth of towns during the twelfth century and determine to what extent the revival of Roman institutions can be seen therein.

6. According to the principles of Austin, what are the limits of rights of subjects against their sovereign and of the sovereign against his subjects? Discuss the application of these principles to the struggles of James I. against Parliament.

7. Show that the following laws are not laws in the true sense of the word: Lynch law, canonical law, the law of cricket and the law of supply and demand.

8. Show how the penal code has been from time to time adapted to occasion and give examples borrowed from the history of the law of treason.

9. Show, with examples from history, what influence public opinion can have on government in countries that have neither democratic nor representative institutions.

10. Distinguish by the aid of ancient and modern authors, between the different methods that can be applied to the study of politics and compare their advantages.

11. What is the meaning of the terms national will and national conscience, as differing from the wishes and opinions of the citizens? Show the importance of these terms in view of the development and rank of states.

12. Weigh the advantages and disadvantages of the different modes of electing executive power in democratic states.

The choice of these questions is remarkable; it presupposes great cleverness on the part of the pupils; but I question whether when the candidates have but three hours before them, the required answers to nine of these points are not of necessity superficial and mechanical.

On Tuesday, the twenty-seventh of May, the contestants had to treat in the morning nine questions on Italian history, chosen from the period between 1250 and 1494; in the afternoon they had to answer nine out of twelve questions on English history.

On Wednesday, the twenty-eighth, they had but one exami-

nation lasting from nine o'clock till noon. This was the day devoted to the essay, in which the pupil must show his origi-native power. He must choose and treat in detail one only of the following subjects:

1. The condition of labor in ancient, mediæval and modern times.
2. The difficulty of administering State lands.
3. The reasons why it is necessary to obey Law.
4. The possibility of a federation between England and her colonies.
5. Thucydides and Clarendon.
6. The connection existing between the political greatness of a nation and its literary greatness.

All these questions involve at the same time history, politics and even philosophy. They illustrate the tendency of historical instruction at Cambridge. It is moreover the essay that constitutes the most important part of the historical tripos and has the most decisive influence upon the student's rank.

On Thursday, the twenty-ninth of May, the candidates had to write upon nine out of the following twelve questions on international law:

1. What influence has the establishment of diplomatic relations among the European states had upon international law and politics? Show the limits to the prerogatives of foreign ambassadors between 1697 and 1763.

2. Define neutrality. What is meant by permanent neutrality? Is it recognized by international law? Explain the connection between the right of asylum and the duty of neutrals.

3. What are the conditions requisite to render valid in the sight of international law grants of territory? What is meant by government *de facto*?

4. Explain the terms *jus postliminii*, *jus avocandi*, *droit d'aubaine*. Develop the maxim, *Ut mores gentium mutantur et mutatur jus gentium*.

5. "D'après un usage barbare, dont le cabinet de Londres

s'est plus d'une fois rendu conpable, l'amiral Boscawen attaqua le 18 juin 1755, sans qu'il y eût en déclaration de guerre, deux vaisseaux de guerre française."¹ Is this accusation against the English government supported by fact? What was the custom established between the European nations and the United States during the last century, and in this century in regard to a declaration previous to commencement of hostilities?

6. Name, with their dates and the wars that they have terminated, the great European treaties that were confirmed by the treaty of Paris in 1763. What were the principal commercial treaties concluded during the first part of the eighteenth century?

7. Indicate with precision the successive phases of the Great Alliance. What were the pledges that bound the members when negotiations for peace were opened in 1711?

8. How far were religious interests involved in the war of the Spanish succession? Can you cite examples of guaranties formulated in favor of religious claims in the treaties concluded between 1697 and 1763?

9. It has been said that Russia entered in 1717 the alliance of European nations. Criticize this statement. Were any improvements in the foreign policy of Russia accomplished during the ten years following?

10. What was the import of the Pragmatic Sanction of Charles VI and the Family Compact of 1761? Point out some historical analogies to these two agreements and sketch the history of the Pragmatic Sanction up to the beginning of the first Silesian war.

11. In what circumstances did the war of the Polish succession break out and by what arrangements was it closed? Discuss the imputations that have been made against those arrangements.

¹ This reference was given in French, from what historian I do not know.

12. Trace, through the history of treaties, the successive phases of England's foreign policy between the peace of Aix-la-Chapelle and the commencement of the Seven Years' War; do the same for Russia from this war to the peace of Hubertsbourg.

Nine out of twelve questions in political economy and history of economics had to be answered in the afternoon of the same day. These questions dealt with the great problems of political economy; with the substitution of machines in place of manual labor, with excess of production, with the fluctuations of population in their effects upon wages and rents, with free trade, with the colonial system ancient and modern, with the former condition of farming classes in England, with industrial legislation and the trades, with capital, with the economic effects of war, etc. These questions were in almost every case so arranged as to demand accurate knowledge of history.

Friday, May 30, 1884, was the last day of the historical trips. In the morning the candidates had to answer nine questions on the history of England between 1603 and 1660. The last question was this: "Discuss the importance and value of the following works: Baillie's 'Letters,' Clarendon's 'History,' Rushworth's 'Collections' and Whitelock's 'Memorials.'" Then in the afternoon again nine questions out of twelve, relating to English constitutional law and its history were set with this restriction, that at least two of the last three questions be answered. Some bore upon the interpretation of fragments of ancient texts taken from Stubbs' *Select Charters* (the Great Charter, for instance); others required the discussion of certain assertions made by Hallam, etc. These were the last three: 10. Trace the origin of the Parliament of Paris and of the States General, and show the changes in them under the absolute monarchy. 11. Ranke (*Weltgeschichte*, I, 354) has compared the Athenian revolution of 411 B. C. to that of the Italian republics in the fourteenth and fifteenth centuries. Explain this comparison. 12. What

were the political relations existing among the English colonies in North America before the War of Independence and what was the attitude of these colonies toward England?

Surely five days of examination could not be more crowded! The historical tripos, combining to a certain extent the substance of a fellowship-examination in French history with such an examination as that of the free school of political science at Paris, presents a formidable appearance, and seems no less than overwhelming. It demands of the students knowledge so varied and extensive that the result must be, in most cases, a mass of superficial notions without a solid scientific foundation. Perhaps I am mistaken, but appearances at least are in favor of this comment.¹ It is evident that this overwhelming historical tripos does not frighten the students at Cambridge, who devote three years to preparing for it. The number of pupils who present themselves steadily increases. In 1876, the first year, only twelve dared face the history examinations; now there are about forty every year.

However hasty and superficial reading the scope of the historical tripos seems to necessitate, the students fortunately have, in Mr. Seeley, a master whose first care is to make them think for themselves. In the university course, which consists of a weekly one-hour lecture, he sets forth, for students of both sexes,² subjects well calculated to provoke reflection. For proof one need only read the notes of his lectures for 1881-1882, upon the expansion of England,³ in which he discussed successively the tendencies of English history, the state of that country in the eighteenth century, the empire, the

¹ It should be observed that the candidate is not obliged to answer *all* the questions on the paper, and that in the matter of rank the one must stand highest who answers the greatest number of questions, their merit in other respects being equal. This practice certainly goes far to limit the exorbitant demands of the paper; but the principle of surcharged examinations still remains to be criticised.

² There are at Cambridge two colleges especially for women.

³ *The Expansion of England.* Leipzig. Tauchnitz, 1884.

old colonial system, the influence of the New World on the Old, commerce and war, the phases of the expansion; the loss of the English colonies of North America, its history and policy; the Indian Empire, how the English conquered and governed it, the influence of England and India upon each other, the phases of the conquest, dangers internal and external, and the conclusion of the whole subject. These lectures are full of deep and original observation. They furnish a sort of philosophy of English history from the seventeenth century.

But it is in his private course, called "Conversation-class," that this able master of political history must exercise the most profound influence. Like Mr. Waitz and Mr. Droysen, in Berlin,¹ Mr. Seeley meets in his study those students that wish to work under his direction. Every Thursday, for one hour in the morning and one in the afternoon, he receives in turn the students of either sex, and discusses with them the principles of historical and political science. Each of these classes numbers about fifteen pupils. Mr. Seeley assured me that the young women took a more lively interest than the young men, because the former are less surfeited with all that pertains to study. The young women are generally about twenty-one years of age. Mr. Seeley had among them in 1884 Miss Longfellow, daughter of the great American poet.

In his conversation class Mr. Seeley has an original method which compels his pupils to think. The first lesson lasts only a few minutes. The professor puts the question, "What is history, and what is its object?" This he requests the class to consider for a week; and after all have thoroughly pondered the problem, in the second lesson the professor first gathers and discusses the various definitions and then gives his own. In the same way through the successive interviews they study other problems growing out of those that have pre-

¹ See *De l'Enseignement supérieur de l'histoire en Allemagne* (Revue de l'instruction publique de Belgique, Vol. XXIV and XXV).

ceded, as: "History being a political science, what is politics? What is its method? The historical method. The object of history is *πόλις*, society, which manifests itself in the phenomenon of government. The definition and classification of these societies." Here Mr. Seeley develops his system of classification, the explanation and discussion of which takes several months. The pupils also present theses upon subjects of their own choice, which Mr. Seeley examines and submits for discussion in the class-room. He strives to teach his pupils first of all, not to be satisfied with mere words, nor with approximations. He teaches them how to form clear and sound conceptions, and how to establish the fundamental truths of history and politics. He combats vigorously the dogmatism in vogue with the radical school in England. "I wish," said he to me with a shrewd smile, "to make political sceptics, because with us no one feels the slightest doubt in politics at a time when all the world is in doubt about religion. I often speak to my pupils of our political parties (Whig, Tory and Radical), giving their history and criticising their principles. I offend no one as I take care to speak with German objectivity. As I grow older, my pupils have more respect for me and do not question my authority as they did during the first years of my professorship at Cambridge; but I continually put them questions. I regret that they do not dare to argue with me as they did ten years ago, when to my delight they would hardly deny what I upheld. I believe no exercise is as useful as this. Our English students are not bold enough for work upon the sources, what the Germans call *Quellenstudien*. Moreover there is great danger of their losing themselves in much reading, without forming sound general notions."

For the sixteen years since 1869 that Mr. Seeley has been professor at Cambridge he has purposed to form citizens and statesmen, an object to which the university has scarcely otherwise addressed itself. "Look at Gladstone," he said to me. "At Oxford where he did such brilliant work, they taught him only Latin, Greek, and Aristotle." Mr. Seeley takes care

also to draw serious students into personal relations with himself. He puts himself at their disposal every evening at six o'clock, receiving thus on an average one student each day. This custom recalls the *sprech-stunde*, that admirable tradition of German universities.

The example set by Mr. Seeley has been followed by Mr. Browning, lecturer at King's College, who established in 1876 his so-called "Political Society." It is composed of twelve students, who meet with their master Mondays at nine o'clock P. M., to discuss questions of political science. At each of these meetings, usually lasting till eleven o'clock, one member reads an original essay, upon which all must express an opinion; the discussion frequently ends in a vote or resolution. The minutes of each meeting are kept. Mr. Browning kindly permitted me to look through the last volume of these records, from which I noted the following subjects: The socialism of Plato; Is it desirable that England should be an empire (resolved in the negative by six to four); The responsibility of James I. in the events of 1640 to 1642; England's right of seizure by privateers, etc. Mr. Browning himself had read a paper upon the events which brought about the triple alliance in 1788, based upon his own researches in the archives of London and Paris. Such a debating club, directed by a spirited leader like Mr. Browning, must contribute much to make its members reflect upon questions of history and speculative politics.

In 1884 a fund of about £1175 10s. was given to the University of Cambridge, to found in honor of Thirwall a yearly prize for the student who would present the best treatise upon some subject requiring original research. This Thirwall prize is the only one at Cambridge within the reach of students of history.

Let me here express my thanks for the valuable hints obligingly given me by Mr. Hammond and Mr. Browning and especially by Mr. Seeley, whom I had the honor of meeting at Edinburgh and who showed me the utmost hospitality

at Cambridge. The hours spent with this eminent man will never be forgotten.

IV.—THE STUDY OF HISTORY AT OXFORD.

The student at Oxford, before becoming eligible for a degree, undergoes two pass-examinations. The first, in arithmetic, geometry, algebra, Latin and Greek, he may take even before entering the university; many take it during or at the end of the first year. At the end of the first year the second pass-examination also takes place, the main feature of which is, at option, the continuations of algebra and geometry or elementary logic; it includes, beside, a more searching test in the Greek and Latin offered by the candidates (e. g. three books of Livy or Tacitus; two of Thucydides, or six of Homer, or Demosthenes on the Crown). The Greek of the four Gospels must be presented.

After these two preliminary examinations which require but one year, the students must choose a specialty in which to take their B. A., as at Cambridge. The various topics of examinations are taken from the Classics, including also ancient history in a subordinate position, mathematics, theology, natural sciences, law and modern history. Until 1870 the last two topics were in one. History was thus emancipated five years earlier at Oxford than at Cambridge, the reform at the latter university having gone into operation only in 1875.

The number of professors and lecturers in history is notably greater at Oxford than at Cambridge. At Cambridge there are but one professor and five lecturers; at Oxford there are two professors, a reader, and thirteen lecturers. At the time of my visit to Oxford in 1884, the Regius Professor of Modern History was Mr. Stubbs, who had just been appointed to the Episcopal See of Chester, as successor to whom had already been named another well-known scholar, Mr. E. A. Freeman. The second professor of modern history was Mr. Burrows, one of the founders of the "Wiclif Society." There was,

besides, a professor of Indian History, Mr. S. J. Owen, having the title of reader. The thirteen lecturers in history connected with the colleges were Mr. Coolidge, Mr. Wakeman, Mr. George, Mr. Bright (Master of University), Mr. Johnson, Mr. Reichel, Mr. Knox, Mr. Boase, Mr. Hassall, Mr. Lodge, Mr. Smith, Mr. Armstrong, and Mr. Johnson.

This large corps of instructors renders possible a very extensive and varied historical course. The departments are as follows: history of Europe during the last part of the sixteenth century, history of England since 1485, historical archæology, the Tudors, history of England since 1553, history of England since 1642, English constitutional history since James II, history of England since 1714, the period following the accession of George IV, history of India in the Middle Ages, history of the British conquest of Mahrattas, history of the East from 1000 to 1328, history of Spain from 1328 to 1519, general history of Europe (periods of 1610–1648, 1714–1740, 1789–1815), etc. To these historical courses is added a course in political economy and governmental institutions (Mr. Marshall), a course in Anglo-Saxon, including study of the laws of Canut (Mr. Earle) and a course in Celtic, in which the professor, Mr. J. Rhys, explains the text of *Táin bó Cúailngne* as it is found in *Lebor nah Uidre*.

This fine array suggests the programmes of the great German universities, where the number of historical subjects is equalled by their variety; but I have been assured that many of the lecturers restrict themselves to a somewhat elementary style of teaching, without reference to sources or original documents, thereby leaving unemployed all the scientific equipment in use beyond the Rhine. Add to this the fact that no practical course crowns all this theoretical teaching at Oxford, at a time when the German facilities could not exist without their numerous *Uebungen*, *Gesellschaften*, seminaries, etc., where the students are trained in method and in individual research.

Although the classics are the traditional specialty at Oxford, history claims many more followers there than at Cambridge.

almost as many as the famous classics themselves. I have been told that about two hundred or two hundred and fifty students work for the history examination. At least two-thirds of them intend merely to gain their bachelor's degree, without cherishing any scientific passion for history. Of the remainder some are young men of noble family, destined for political careers, who look upon history as useful to the statesman; others purpose to become journalists, a career in England almost a science; still others are reading for the bar, and study history for its bearing upon law; the small remainder are to be teachers, and make history the main feature of their professional training.¹ Thus enlightened regarding the large numbers who elect the history examination at Oxford, we see that very few study history for its own sake.

The department bears the name of "Honour School of Modern History." Beside the first year required for the two pass-examinations before mentioned, two years or two and a half, rarely three, are devoted to this reading. The candidates must know all English history up to 1837, Queen Victoria's accession; all English constitutional history and one special period of English history in detail; a corresponding period of universal history; a special subject worked up from original documents; politics and political economy; historical geography. The examination consists of four papers on the political and constitutional history of England, two on general history, two on the subject studied in the sources, one on political economy, and one upon geography. Afterward is held a *viva voce* examination. The candidates are ranked by these examinations in four classes and their names are published in the rank-list. About ten out of a hundred aspirants each year win places in the first class.²

¹ Still the majority of those who intend to become teachers make their preparation a profound study of the ancient languages.

² Here are the four classes for the years 1882, 1883 and 1884: First Class, 4, 10, 11; Second Class, 24, 19, 14; Third Class, 34, 37, 27; Fourth Class,

As some changes have recently been made in this tripos,¹ to take effect in 1886,² I will give here in detail the course then to be pursued. Just as for the historical tripos at Cambridge the official programme recommends a great many authors. For politics and political economy the candidates will be examined upon the following works: Aristotle, "Politics;" Hobbes, "Leviathan" (ch. 13-30); Bluntschli, *Lehre vom Modernen Stat* (vol. I); Maine, "Ancient Law;" Mill, "Political Economy." This is, it seems, a little less extensive than the examination at Cambridge, where there is a tendency to make political science take the precedence of history.

For constitutional history the candidates must read the following: Stubbs, "Select Charters" and "Constitutional History;" Hallam and May; Bagehot, "English Constitution." They must also be ready to make comments upon the principal charters.

For general history of England up to 1837, portions of the following are prescribed: Freeman, "Norman Conquest" (ch. 1, 2, 3, 23); Green, "History of the English People" (vol. I); Stubbs, "Constitutional History (especially ch. 10, 12, 14, 16, 18); Ranke, "History of England" (bks. 1, 2, 3, 22); Macaulay, "History of England" (ch. 1, 2, 3); Bright, "History of England" (vol. II, III).

In the wide field of English history which they must have ranged from end to end, one of the following seven periods is to be presented in detail: 449-1087, 802-1272, 1215-1485, 1399-1603, 1603-1714, 1714-1815, 1760-1848.

In general history is studied the period corresponding to the one chosen for English history. The candidate is expressly required to introduce the literary history and that of the

42, 32, 25. This makes the total number of history students for each of these years, 104, 98, 77.

¹ The required periods of universal history have rightly been shortened and corresponding periods of English history added.

² For all details see Oxford University Gazette (June 3, 1884).

general civilization of his special epoch in connection with its political history and geography. It is not, however, expected that original documents will be used, the object being rather to induce clear and intelligent reading of the best authors. For this purpose a vast number of books to be either consulted or read are especially recommended by the faculty.

Below is the curious list :

HISTORY OF ENGLAND.

449-1087.

Kemble, *Saxons in England*.
 Green, *Making of England*.
 “ *Conquest of England*.
 W. Bright, *Early English Church History*.
 Freeman, *Norman Conquest*.
 Skene, *History of Scotland*.
Anglo-Saxon Chronicle.
 Laws of Ine, of Alfred and Canute.
 Bede (bks. III and IV.)

802-1272.

Green, *Conquest of England*.
 Freeman, *Norman Conquest*.
 Pauli, *Geschichte von England*.
 “ *Life of Simon of Montfort*.
 Palgrave, *England and Normandy* (vol. III, ch. IV.)
 Preface to Roger of Hoveden (II and IV).
 “ to Benedictus Abbas II.
 “ to Roger Bacon.
 “ to Walter of Coventry II.
 “ to *Monum. Franciscana I*.
 “ to *Itinerarium Regis Ricardi*.
Anglo-Saxon Chronicle.
 Matthew Paris (period of Henry III).

GENERAL HISTORY.

476-1083.

Gibbon, *Decline and Fall*.
 Milman, *Latin Christianity*.
 Fustel de Coulanges, *Féodalité*.
 Guizot, *Civilisation en Europe*.
 Waitz, *Deutsche Verfassungs-Geschichte* (vol. II).
 H. Martin, *Histoire de France*.
 Grégoire de Tours (from bk. V).
 Paul Diacon (from bk. III).
 Sismondi, *Républiques italiennes*.
 Giesebrecht, *Geschichte der Deutschen Kaiserzeit*.
 Finlay, *History of Greece*.
 Muir, *Life of Mahomet*.

936-1272.

Gibbon, *Decline and Fall*.
 Hallam, *Middle Ages*.
 Milman, *Latin Christianity*.
 Guizot, *Civilisation en Europe*.
 Martin, *Histoire de France*.
 Michelet, *Tableau de la France* (bk. III of *Histoire de France*).
 Joinville, *Vie de Saint Louis*.
 Sismondi, *Républiques italiennes*.
 Geisebrecht, *Geschichte der Deutschen Kaiserzeit*.
 Von Raumer, *Geschichte der Hohenstaufen*.
 Busk, *Mediæval Popes, Emperors, and Crusaders*.

Skene, *History of Scotland*.

Robertson, *Scotland under Early Kings*.

Wright's *Political Songs* (pp. 6, 19, 42, 72, 121, 124, 125, ed. by the Camden Society).

Digby, *Real Property* (pp. 1-56, 122-151, 253-262).

Finlay, *History of Greece*.

Von Sybel, *History and Literature of the Crusaders*.

Church, *Life of Anselm*.

Cotter Morison, *Life of St. Bernard*.

1215-1485.

Lingard, *History of England* (to 1399).
Pauli, *Geschichte von England*.

" *Life of Simon of Montfort*.

Preface to *Monum. Franciscana I*.

" to *Edward II*.

Longman, *Life and Times of Edw. III*.

Sharon Turner, *History of England* (since 1399).

Sechler, *Wiclif*.

Fortescue, *De laudibus legum Angliae*.

More, *Rich. III. and Edw. V*.

Paston Letters (preface by Gairdner).

Burton, *History of Scotland*.

Roger, *History of Agriculture and Prices in England* (Vol. I and III).

Wright, *Political Songs* (pp. 6, 19, 42, 72, 121, 124, 125).

1272-1519.

Gibbon, *Decline and Fall*.

Hallam, *Middle Ages*.

Milman, *Latin Christianity*.

Martin, *Histoire de France*.

Froissart, (bk. II, ch. 52-63, 83-102, 121-128, 148-214, 227-230).

Sismondi, *Italian Republics*.

Amari, *War of the Sicilian Vespers*.

Creighton, *The Papacy during the Period of Reformation*.

Von Reumont, *Lorenzo di Medici*.

Vilari, *Sarvonarola*.

" *Macchiavelli*.

Ranke, *Geschichte der Römischen und Germanischen Völker von 1494 bis 1514*.

Prescott, *Ferdinand and Isabella*.

Finlay, *History of Greece*.

Yule, *Marco Polo*.

1399-1603.

Sharon Turner, *History of England*.

Paston Letters (Gairdner's Preface).

More, *Utopia, Richard III and Richard V*.

Bacon, *History of Henry VII*.

Froude, *History of England*.

Brewer, *Prefaces to State Papers*.

Herbert de Cherburg, *Life of Henry VIII*.

Burnet, *History of the Reformation* (ed. Pocock).

Knight, *Pictorial History of England* (1588-1603).

Burton, *History of Scotland*.

1414-1610.

Hallam, *Middle Ages*.

Ranke, *History of the Popes*.

" *History of the Reformation in Germany*.

" *Civil Wars in France*.

" *Geschichte der R. u. G. Völker*.

" *Die Osmanen und die Spanische Monarchie*.

Martin, *Histoire de France*.

Sully, *Mémoires*.

Creighton, *Papacy during the Reformation*.

Von Reumont, *Lorenzo di Medici*.

Robertson, *Reign of Charles V*.

Latimer, *Sermons* (ed. Arber).
 Hooker, *Ecclesiastical Polity* (with the preface).
 Spenser, *View of the State of Ireland*.
 Smith, *De Republica Anglorum*.

1603-1714.

Ranke, *History of England*.
 S. R. Gardiner, *History of England*.
 Clarendon (bk. I-VI).
 Christi, *Life of Shaftesbury*.
 Macaulay, *History of England*.
 Burnet, *History of His Own Times*.
 Wyon, *History of Grt. Britain during the Reign of Queen Anne*.
 Swift, *Conduct of the Allies*.
 Burton, *History of Scotland*.
 Sir John Davis, *State of Ireland*.
 Doyle, *English in America*.
 Bruce, *Annals of the East India Company*.
 Dryden (Political Poems).

1714-1815.

Lecky, *History of England in the 18th Century*.
 Stanhope, *History of England*.
 " *Life of Pitt*.
 Martineau, *History of England*.
 Cornewall Lewis, *Essays on the Administrations of Grt. Britain*.
 Alison, *Life of Castlereagh* (ch. I-III).
 Bolingbroke, *Letters on History*.
 " *Dissertations on the State of Parties*.

Häusser, *Period of the Reformation*.
 Prescott, *Ferdinand and Isabella*.
 " *Philip II*.
 Helps, *Spanish Conquests*.
 Motley, *History of the United Netherlands*.
 Finlay, *History of Greece*.
 Elphinstone, *History of India* (ed. Cowell).

1610-1715.

Heeren, *Political Systems of Modern Europe*.
 Ranke, *Französische Geschichte*.
 Martin, *Histoire de France*.
 Voltaire, *Siècle de Louis XIV*.
 " *Charles XII*.
 De Retz, *Mémoires*.
 Ranke, *History of the Popes*.
 " *Die Osmanen u. d. Sp. Mon*.
 " *History of Prussia*.
 Coxe, *History of the House of Austria*.
 Droysen, *Gustaf Adolf*.
 Chapman, *Gustavus Adolphus*.
 Montecuculli, *Mémoires* (bk. II, III).
 Putter, *Political Constitution of the German Empire*.
 Stanhope, *War of the Spanish Succession*.
 Finlay, *History of Greece*.
 Rambaud, *History of Russia*.
 Elphinstone, *History of India*.

1715-1815.

Heeren, *Political Systems of Europe*.
 Martin, *Histoire de France*.
 Tocqueville, *L'Ancien Régime et la Révolution*.
 Von Sybel, *French Revolution*.
 Taine, " "
 Carlyle, " "
 Lanfrey, *History of Napoleon*.
 Alison, *History of Europe* (beginning with ch. LX).
 Ranke, *History of Prussia*.

Bolingbroke, *Letter to Sir W. Wyndham.*

" *Patriot King.*

Burke, *Thoughts on Present Discontentment.*

" *American Taxation.*

" *Refl. on the French Revolution.*

" *Refl. on a Regicide Peace.*

Arthur Young, *Tour in England.*

Bancroft, *History of United States.*

Marshman, *History of India* (edition in 3 volumes).

Carlyle, *Frederick the Great.*

Frédéric II, *Mémoires.*

Seeley, *Life and Times of Stein.*

Häusser, *Deutsche Geschichte vom Tode Friedrichs des Grossen.*

Coxe, *Bourbon Kings in Spain.*

Napier, *Battles and Sieges in the Peninsula.*

Rambaud, *History of Russia.*

Elphinstone, *History of India.*

1760-1848.

Lecky, *History of Eng. in 18th Cent.*

Stanhope, *History of England.*

" *Life of Pitt.*

Martineau, *History of England.*

S. Walpole, " " "

Cornwall Lewis, *Essays on the Administration of Grt. Britain.*

Alison, *Life of Castlereagh* (ch. I-III, XV, XVI).

Burke, *Thoughts on Present Discontentment.*

" *American Taxation.*

" *Refl. on the French Revolution.*

" *Letters on a Regicide Peace.*

Samuel Baneford (principal passages of his life).

Nicholls, *History of the English Poor Law.*

Morley, *Life of Cobden.*

Bancroft, *United States.*

Payne, *History of the Colonies.*

Marshman, *History of India.*

Kaye, *Life of Metcalfe.*

1763-1848.

Heeren, *Political Systems of Modern Europe.*

Martin, *Histoire de France.*

Toqueville, *Anc. Rég. et Rév.*

Arthur Young, *Travels in France.*

Von Sybel, *French Revolution.*

Mignet, *French Revolution.*

Taine, " "

Carlyle, " "

Lanfrey, *History of Napoleon.*

Guizot, *Mémoires.*

Alison, *History of the French Revolution* (from ch. IX).

" *History of Europe* (from 1815).

Fyffe, *Modern History.*

Seeley, *Life and Times of Stein.*

Häusser, *D. G. vom Tode F. d. G.*

Napier, *Battles and sieges in the Peninsula.*

Finlay, *History of Greece.*

Rambaud, *History of Russia.*

I shall be pardoned, I hope, for introducing here the titles of all these works, for it seemed that nothing else would show so well the scope of this examination. It will be observed that the list is much longer than the corresponding list at Cambridge. As a bibliographic index it is perfect.

But is it possible for the student to read all these books? Evidently not, for care is often taken to indicate chapters and even the pages to be referred to. The science is thus chalked out. But is it wise to say to the student, "Here is a book. Read thirty or fifty pages at the beginning, in the middle, or at the end of it?" This method seems to me scarcely scientific. I prefer the precept of Cambridge, "Read as many as you can of the books indicated, but read them well and from cover to cover." Finally, does not the Oxford list contain works somewhat superannuated?

However this may be, the student at Oxford as well as at Cambridge is urged to read, and to read much; in reality the serious student does read and read much. The theoretical course happily consumes only a small part of his day (two or three hours), and for the rest of the time he studies at will—to use the authorized expression, he reads. It is much to have established advanced teaching upon such a footing. The judgment of the student is developed, independent thinking is induced, above all, self-help must be relied on even in the use of historical text-books.

But the Oxford examination includes also a more scientific test—the special subject studied from the sources. In the prospectus for 1886 I find six subjects indicated, from which the candidates may choose. They are:

I. Hildebrand, according to Lambert de Hersfeld, Jaffé's *Monumenta Gregoriana*, and Waltram's *De Unitate Ecclesiæ*.

II. The first three Crusades, from *Gesta Francorum*, Raymond de Agiles, Fulcherius Carnotensis, William of Tyre (Bk. XVI and XVII, Ch. I–VIII), *Itinerarium Regis Ricardi*, and extracts from Arabian historians cited by Michaud, *Bibliothèque des Croisades*.

III. Italy from 1492 to 1513, from Machiavelli (*Il Principe*), Commynes (Bk. VII and VIII), Guicciardini (*Storia Fiorentina*) and Da Porto (*Lettere Storiche*). Knowledge of Italian seems indispensable here, as these authors are referred to in the original.

IV. The great revolution of England to the death of Charles I (1639–1649), from Clarendon (Bk. I–VIII), the Rushworth collection (part IV), Cromwell (Letters and speeches, ed. Carlyle), the Long Parliament, by May, Baillie's Letters, and Sprigg's *Anglia Rediviva*.

V. The French revolution to the end of the Convention (1789–1795), from Rabault and Lacroix (*Précis de la Révolution Française*), Bailly (*Mémoires*, up to 14th July), the Correspondence of Mirabeau (with Lamarck), *Mémoires* of Bertrand de Malleville, passages selected from Girondins and Robespierre, *Mémoires* of Madame Roland, Arthur Young's Travels in France, and Schmidt's *Tableaux de la Révolution* (Vol. I, Part II).

VI. History of English India from 1773 to 1805, from Wilson (Mill's India, after Bk. V), Grant-Duff's History of the Mahrattas, Gleig's Papers in Life of Warren Hastings, Wilks' *Mysoor*, Cornwallis (numerous selections from his Correspondence, referred to with the exact page), Wellesley and Wellington (Despatches, ed. Owen).

I heartily approve the principle of this test, but I question whether the subjects involved are not too vast. How can a student bound to prepare a multitude of other subjects read with any degree of seriousness the documents of the French Revolution from 1789 to the end of the Convention? The same may be asked of the other subjects. Such study of sources is of necessity superficial; it must be restricted, in my opinion, to a brief and scarcely reliable verification of what the standard authors assert. Fortunately, the student is not absolutely bound to this list of topics that I have called too vast. He is permitted to choose for himself a special subject, provided he make arrangement with the Faculty six months before the examination. His request must be accompanied by a list of the books and documents he purposes to use. But this privilege the students almost never avail themselves of, and, if I mistake not, will neglect no less in the future. It would be better to restrict the topics so as to

permit deeper, more concentrated, more truly scientific research. One other privilege is granted : for the special subject in history an appointed subject in jurisprudence may be substituted ; the latter is, for 1886, history of the law of real property. The course of study prescribed is Blackstone's Commentaries (Bk. II), or Stephen's (Vol. I, Bk. II, part 1st), and Digby's "Introduction to the Law of Real Property." The principal documents cited in the last work have to be studied with care and compared with Williams' "Treatise on the Law of Real Property."

Finally, the candidate may, in addition to the preceding and required papers, present a period of literary history. The following are appointed : I. The Elizabethan Age (the plays of Shakespeare must be carefully studied) ; II. The Times of Louis XIV (with critical study of Molière) ; III. The Times of Dante (with special study of his *Purgatorio*).

Any student wishing to present some other period, must obtain the sanction of the Faculty six months in advance. Up to this time, I am told, no student has ever presented a literary period, either appointed or of his own selection.

Comparing the honor school of modern history at Oxford with the historical tripos at Cambridge, we first observe that the Oxford examination includes no ancient history, this being left to students of the classics. At Cambridge the examination always includes one longer or shorter period of Greek or Roman history. The Cambridge tripos is, therefore, the more complete.¹

The study of political theories from the time of Aristotle

¹Two professors at Oxford have lately protested against this exclusion of ancient history : Mr. Burrows, in his lecture on Antiquarianism and History at Oxford (Oxford, Parker, 1885), and Mr. Freeman, in his opening lecture, "The Office of the Historical Professor" (London, Macmillan, 1884), in which he says : "At Cambridge there is one tripos where, conformably to common sense and the interests of true science, Thucydides and Lambert de Hersfeld can be placed side by side. Honor, then, to our illustrious sister, and let us soon have the wisdom to follow her lead."

is carried further at Cambridge than at Oxford. I have already remarked that Cambridge approaches more nearly than does Oxford the school of political sciences at Paris, and that its aim is chiefly to form statesmen, politicians in the scientific sense. In this tendency the influence of Mr. Seeley is clearly distinguishable. To Oxford, on the other hand, Prof. Stubbs has lent his character and the lustre of his learning. His books, known to all who read the history of English public institutions, have revolutionized that branch of the science and are not surpassed by the masterpieces of criticism and erudition of his German contemporaries.

This great savant has, however, never instituted a practical course, the method that his colleagues beyond the Rhine believe an indispensable accompaniment to theoretical instruction. In his farewell address, published in the *Oxford Magazine* for May 14, 1884, at the time of his removal to Chester, Mr. Stubbs said he was quite conscious of what he had lacked as a professor: he had had much sympathy, but too little of the proselyting spirit; he had not been an organizer, because he hated organization and loved liberty. This argument against the practical course has several times confronted me in England. It surprised me in a country where colleges are emphatically organized communities and where the lecturers are masters with whom the students are not considered able to dispense.

However this may be, in accordance with a new regulation introduced in October, 1883, Mr. Stubbs had organized in picturesque Kettle Hall a special class for "informal instruction." Here several times a week he received the students one by one, to give advice about their lectures and to examine and correct their papers; more frequently, however, they would seek the aid of the lecturers of their college. These elective pupils would certainly have derived inestimable profit from intimate intercourse with so eminent a master as Mr. Stubbs, had the Church not withdrawn him from the university so soon after the commencement of this undertaking.

In his course at the university he explained English Charters and laws of the Middle Ages. The students took notes, which the professor would at request inspect. Out of seventy auditors in 1884, a dozen gave their note-books to the professor, who took the trouble to correct them carefully. His object was to rouse in his pupils a critical spirit with regard to the study of original sources without any direct application to politics. His method tended to form scholars, not future statesmen, and no one could pretend to guide better than he to disinterested and scientific historical erudition.

Not finding at Oxford a practical course in history, the students recently took it upon themselves to supply the want. The idea had its birth in the brain of an American, Mr. Brearley. He had, before entering Balliol College, Oxford, spent some years in Germany as tutor to American students and had heard of the historical seminaries there, without having admission to them. At Oxford he found no such institution. He related what he had heard of it in Germany, gained the coöperation of his fellows and founded in 1882 the "Historical Seminary," numbering at the time only fifteen members, and in 1884 thirty-five—an average of two to each college. They hold three or four meetings in a term, lasting from eight to ten o'clock in the evening. After one of the members has read a paper of which the hearers take notes, five or six who have read up the same subject then debate the question with the leader. Sometimes the discussion becomes very earnest. The presidency is given, not to a student, but to a professor, formerly to Mr. Stubbs or, if convenient, to Mr. Bright or another lecturer as a substitute. The president calls attention to the defects of the paper read and gives the résumé at the close of the debate. At one time the argument was prolonged till midnight, the question under discussion being the High Church of the seventeenth century. The meetings are held in the studies of the various members, the one who entertains furnishing coffee, tea and cigarettes.

The subjects of discussion always bear upon the matter of

the examinations. The members receive at the beginning of each term a printed program, so that each one may, if he chooses, seriously prepare for the debate. Below is the list for the Summer term of 1884: I. Monday, 28 April, Thesis by Mr. J. Wells on the influence of France upon the politics and social life of England during the reign of Charles II. II. Monday, 12 May, Thesis by Mr. H. Hutton upon William III. III. Monday, 26 May, Thesis by Mr. G. Saunders upon the campaigns of Marlborough.

I regretted extremely the impossibility of attending one of these meetings; for the novel institution greatly interested me on account both of the original style of its establishment and of the good grace with which the venerable Mr. Stubbs and his colleagues followed the lead of their pupils in supplying the desideratum at Oxford.

Lately a second historical club has been formed there, named the Stubbs Club, where theses on English History are read. At Christ Church College, too, there is a small historical society. In the Oxford Magazine for 25th February, 1885, I read that the club met in the study of one of its members and that a paper was read upon the deposition of Edward II, of Richard II and of Henry VI, seven members taking part in the discussion.

The Historical Seminary devotes itself to the study of modern History; its success suggested to students of the classics the founding of an Ancient History Seminary. By this time it must be in full operation as it had been definitely projected in April, 1884. I said above that ancient history was united with study of the classics. Surely students of this class will find it pleasant to be organized into a historical seminary and thus to emerge from the seclusion that has hitherto weighed upon the history student of scientific aims at Oxford.

Another institution, already old, contributes much to encourage the study of history. I refer to the prizes offered to students or graduates, for the best essay upon given topics.

There are at least three prizes each year at Oxford: the Stanhope prize for a subject in modern history is restricted to undergraduates; the two others are especially sought by the graduates; the Lothian prize is also for modern history, while the Arnold prize is given alternately to ancient and modern history. There is also an annual prize, appointed by the chancellor of the university—sometimes for a historical subject. The topics for the prize essays are given out a year in advance. Judges are chosen from the professors and other dignitaries. Professors and lecturers stand ready to give the aspirants all advice and references, but they can have no further knowledge of the essays which are sent anonymously to the judges. Usually there are many contestants—for the Stanhope prize sometimes forty. The prizes are of some value: £20 for the Stanhope essay, £40 for the Lothian, and £42 for the Arnold essay. These contests are perquisites of the ablest students, furnishing opportunity for individual work and tempting them to prolong their stay at the university and their pursuit of history. Mr. Stubbs and several of his colleagues spoke to me with enthusiasm of this style of encouragement, and I agreed with them in view of the very substantial results it has produced. Mr. Stubbs, who was naturally one of the judges in 1884, assured me that for the Stanhope prize—*History of Montenegro*—he had received among the eleven essays offered, drawn from original Slavic as well as Latin sources, several of solid merit, filling when printed no less than two hundred pages. For the Lothian prize—*The Art of War in the Middle Ages*—were written four voluminous papers, and for the Arnold prize—*Life of the Chancellor Thomas More*—six of equal merit. Mr. Stubbs pronounced the successful essays works of real value.

This statement I could easily credit, as I had seen some of the essays, and among them the one that took the Lothian prize in 1882, a truly remarkable paper. It was “James and Philip van Artevelde,” by Mr. W. J. Ashley, B. A., former scholar of Balliol College, whom I met at Oxford. This

young savant, a man of great promise, was then a candidate for the chair of history in a school of high grade in Wales. According to custom his application was accompanied by certificates from specialists, among whom were Mr. Stubbs and my compatriot Mr. Léon Vanderkindere, professor at the free university of Brussels and author of *Le Siècle des Artevelde*. In addition Mr. Ashley sent flattering testimonials from former pupils, among which were two from young ladies. All these certificates, prepared for the officials in charge of the nomination, were bound in a pamphlet and accompanied by reviews of his book taken from the *Pall Mall Gazette*, *Saturday Review*, *Contemporary Review*, the *Guardian* and the *Literary World*. I may notice here in passing, as related to my subject, this novel manner, at once scientific and practical, of applying for a vacant chair. Each candidate follows the same course and thus their various claims are publicly submitted to competent judges. It seems to me it would be well to introduce this custom on the Continent.

I am happy to greet in Mr. Ashley a brilliant disciple of Oxford's historical methods. He won in 1881 first rank in the history examination, and his prize essay of the following year marks the excellence of the method he has followed, showing that though Oxford still lacks a practical course, the prize-system, for the chosen few at least, supplies the deficiency.

Another encouragement to original research is found in the newly established historical society at Oxford, devoted to local history and the history of the university, and purposing to publish its most interesting documents. Here a vast field is opened to young investigators, furnishing immediately at hand abundant and well-defined materials.

I ought here to thank Mr. Stubbs for his extremely kind reception of me at Oxford. Although he was on the point of departure, he put himself at my disposal, graciously furnishing me the information I asked, and permitting me to note down his replies. The venerable man, like Prof. Beets, of Utrecht, the great writer of Holland, seemed to me the per-

sonification of his serene science. In him Oxford loses much. I wish also to thank Mr. Lodge and Mr. George for the many useful hints which they have given me, by no means forgetting my excellent friend, Mr. Charles H. Firth, correspondent of the *Revue historique* of Paris.

V.—HISTORICAL INSTRUCTION IN LONDON.

When the traveller leaves Cambridge and Oxford, where the universities with their splendid Gothic architecture constitute the town, for London, the busy metropolis, he finds it difficult to discover there the seat of learning, so small are its pretensions. Moreover, the University of London, which occupies a palace in the rear of the Art Academy, is not a university. It is only fine quarters, where twice a year examinations are held for degrees in philosophy, literature, sciences, law and medicine, before a board of examiners appointed by the State. The instructing is done in several private establishments called colleges, the principal ones being University College and King's College; both of these are almost universities in the Continental sense.

Founded in 1828, chiefly by the efforts of Lord Brougham, University College is open to all sects; consequently its teaching is unsectarian. To offset this liberality, the partisans of the Anglican Church established King's College, where each day opens with prayers at which all students must be present. The State does not directly support either of these institutions, but it favors the latter by granting its very desirable site in the Strand. In other respects the two colleges are entirely independent.

History plays but a secondary part and boasts but one professor in each institution. In University College, Mr. E. S. Beesly, one of the most distinguished of English positivists, teaches general, ancient, mediæval, modern, and contemporary history. In 1883–1884, he devoted to these subjects one hour a week, on Thursdays. Of these, ten lectures were given to

Roman history, from the death of Sulla to that of Cæsar; fifteen to tracing in broad outline the history of Europe from the close of the Middle Ages to our own day. In accordance with the positivist doctrine, the program was inscribed "The object of this course is to represent the history of the West as a continuous and natural evolution."¹ About twenty-five students attended Mr. Beesly's course.

At King's College there is a professor of modern history, Mr. S. R. Gardiner, whose books are deservedly well known, and a lecturer, Mr. Sidney J. M. Low;² the latter has charge of the first year pupils. He teaches them general English history up to the end of the seventeenth century. Mr. Gardiner provides a more advanced course, embracing only a shorter period of national history, usually about fifty years, which he presents in detail. Ancient history is joined with the classics.

Mr. Gardiner's lectures, one of which I attended, take an hour and a quarter twice a week. The professor and students are dressed in their black gowns, their square caps laid on the desk beside their note-books. Before the lecture an officer carefully calls the roll—a formality not observed at University College, where attendance is not compulsory. There were twelve students present at the lecture I attended. Mr. Gardiner's subject was the state of the English Church under Queen Elizabeth. He spoke simply and clearly, without attempt at eloquence, reminding me of a German professor, the resemblance being heightened, no doubt, by the somewhat Teutonic cast of the professor's features and his expression of learned candor and almost anxious good will. From time to time he readjusted his eyeglasses and polished his nose with his large colored handkerchief, like Droysen of Berlin. He related quietly and clearly and without euphemism the history of the dissolute clergy of the sixteenth century, especially

¹ See prospectus of University College, London, Session 1883-1884, pp. 18 and 19.

² See prospectus of King's College, London, 1883-1884, pp. 10 and 11.

in Great Britain. The five hearers in the first row of seats took notes most conscientiously and some of the others listened attentively; but those behind seemed occupied with other matters and eager for the lecture to close; they were little pleased when explanations detained Mr. Gardiner beyond the allotted time. In a word the audience was a mixed one. Mr. Gardiner gave very detailed and interesting explanations, but without referring his pupils to books or documents.

I have been told that the men of the London colleges are younger and not so well prepared as for Oxford and Cambridge. They appear to be collegians rather than true students. At King's College they are treated like students of a middle, not an advanced, grade. For instance, at the end of each term they have to pass an easy written examination and the first in rank receives a book as a reward of merit. There is for history a more important incentive, a scholarship of £40, awarded yearly at the Easter examination. The test consists of two essays upon periods of history previously appointed. In 1884 the subjects were: for English history, the period from 1603 to 1649, and for Continental history the corresponding period from 1610 to 1648. If two contestants are equally deserving, the scholarship is divided between them.

I wish to thank Mr. Gardiner and Mr. Beesly for the kind reception they accorded me.

VI.—CONCLUSION.

So far as I can judge, advanced instruction in history is still in an embryonic state in London, a condition not shared by Cambridge and Oxford. The Scottish universities with their almost utter poverty in the science are still farther behind than the London colleges. The interest of my investigations has therefore centred in Cambridge and Oxford. I have risked wearying the reader by giving so detailed an account of the examinations at these two universities; I will add but a few general observations.

The strain upon memory, implied by the number of books prescribed and the questions given, is appalling. The reading required is of so vast extent that the student cannot thoroughly grasp any part of it; but the correction is doubtless found in the English tradition that the pupil will assimilate to himself, chiefly by his own reading, material enough to meet the tremendous examinations. It is evident he can only skim so many vast subjects; but at least he must work almost entirely by himself.

Quite otherwise is it with the Belgian student. He is catechised by his professor on the course followed during the year, which he is supposed to know by heart, having taken care never to refer to a book and contented with the confused and misspelled notes hurriedly taken at the lecture. Only the few students of the practical course ever take in their hands the necessary books and documents.

No one would accuse the students of Cambridge and Oxford of using too few books; but are they sufficiently familiar with sources of history and original documents? I think not. It has been well said that although it is dangerous to begin *Quellenstudien* too early, as yet no better method of making historians has been discovered than that of studying sources; for the simple reason that no better method exists.¹ While it is unwise to begin this study too soon, still, until the student has been brought face to face with documents apparently contradictory which he must criticize and account for, he can have no idea of scientific structure of history. Perhaps some gifted minds can train themselves after leaving the university; but how much time spent in groping, the princes of the science would save them! How many lamentable defects mar the work of self-taught scholars, notwithstanding their genius!

¹ I cannot forbear referring my readers to the interesting monograph entitled *Methods of Historical Study*, by Mr. Herbert B. Adams, professor at Johns Hopkins University, Baltimore. The author states and discusses the systems successively employed in Europe (Germany, France, Belgium) and in America (especially at Johns Hopkins and Harvard Universities).

The Oxford students expressed their appreciation of this fact when they introduced the German historical seminaries.

But these seminaries differ essentially from the German. In the latter one evening's summary discussion of a subject does not suffice; documents are scrupulously dissected, one or two at a time, to extract all that each one can furnish. They are the small stones, which will go with many fellows to build up an exhaustive treatise, the work of several months. The Oxford students thus, in attempting to introduce the German method, have not begun in the right way. While I would be the last to disparage the alluring debating club where coffee and cigarettes add their charm to the hour, yet I do not hesitate to say that it cannot take the place of a practical course in a historical laboratory.

In the English universities there is also need of certain important courses preparatory for truly scientific research, such as paleography, diplomatics, and chronology. At the German universities, at the School of Charters, and at the Practical School of Higher Studies at Paris, there are experienced and enthusiastic masters in these special sciences, without which no historian can be accurate.¹

England spends yearly sums unequalled on the continent for printing luxuriously her charters, chronicles and all sources of history, and similar publications appear for all the sciences relating to history. Of what use is this vast expense? No doubt there is in Great Britain a considerable number of scholars and writers to whom these fine collections are valuable; but do the universities receive any benefit from them? In Germany the *Monumenta* of Pertz, the *Reichstags-akten* and all similar publications are diligently explored each year by a multitude of masters and pupils enamoured of historical research and applying to the pursuit the strictest

¹ I am glad to see that Mr. Burrows, professor at Oxford, in his lecture before referred to, breaks a lance in favor of the introduction of paleography among the subjects at his university.

laboratory methods. The system has no parallel in the country on whose bounty it thrives. I have seen Mr. Châtelain, lecturer at *L'École pratique des hautes études* in Paris, draw for his course in paleography upon the admirable productions of the London Paleographic Society. At German universities, in German books, one continually sees the effects of "State Papers," the collections of the Camden Society and the various other documents of the kind which England scatters broadcast every year. I hope the day is not far distant when Oxford and Cambridge will count among their two hundred or their forty students of history, a chosen few who will dissect with patriotic ardor the original documents of their national history.

The remarkable development in historical instruction that has taken place at Oxford since 1870, and at Cambridge since 1875, leads one to think that the practical course will soon be felt a necessary complement to the already brilliant theoretical course. A corps at Cambridge of one professor and five lecturers for history alone or at Oxford of two professors and fourteen lecturers offers ample accommodation, at least unsurpassed by German universities. Mr. Seeley has already started along the right road. His conversation-class, though dealing with philosophical principles of history instead of with documents, is really a practical course, an intellectual dissecting-room. His skill, thought and experience are all at the disposal of the pupils who choose to be initiated in the methods of political science; there is a continual exchange between master and pupils, a Socratic, experimental system that cannot be replaced by any amount of theory. If I might counsel the five colleges at Cambridge, I should urge them each for its own specialty to follow this example—as, indeed, Mr. Browning has already done in his Political Society.

As for Oxford, I imagine that Mr. E. A. Freeman, successor to Mr. Stubbs, will of necessity be an apostle of the new school. I met him at Edinburgh, already familiar with his works, in which are reflected his vast learning, youthful

spirit, originality of thought and style, and indomitable zeal in the pursuit of historical truth. So deep-dyed a historian cannot fail to exercise a direct scientific influence upon the young men thronging to him, and no doubt circumstances will aid him. That the change is brewing at Oxford is proved by the establishment of the two seminaries and the other historical circles. The younger lecturers with whom I have spoken are already enlisted in the cause. The fruit is ripe and will soon fall.¹

Advanced historical instruction in England to-day rivals that of Germany and Paris; and every year the English universities produce new pioneers, eager and well-equipped, bringing to history the clear-sightedness and sound judgment that characterizes all Anglo-Saxon science. The continually increasing number of prizes and fellowships (for England is the home of intelligent endowments), positive encouragements with which the Continent is not familiar, peculiarly favor the progress of disinterested research, and keep from want those devotees who, like the brave *privat-docenten* of Germany, give their lives to their cause without one ray of promised remuneration.

¹ In his opening lecture before referred to, Mr. Freeman lets it appear what will be his tendency at Oxford.

XI

SEMINARY LIBRARIES

AND

UNIVERSITY EXTENSION

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is Past Politics and Politics are Present History—*Freeman*

FIFTH SERIES

XI

SEMINARY LIBRARIES
AND
UNIVERSITY EXTENSION

BY HERBERT B. ADAMS

BALTIMORE

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SEMINARY LIBRARIES AND UNIVERSITY EXTENSION.¹

I.

SEMINARY LIBRARIES IN GERMANY.

The Historical *Seminarium* is a German Institution. It first came into prominence about fifty years ago, under the direction of Leopold von Ranke² at the University of Berlin. Ranke's own training at Leipzig had been chiefly philological, and he transferred the seminary method from philology to history. It had long been customary to train philological students by practical exercises in the critical interpretation of classical authors. The discussions were always carried on in Latin. The practice was simply an adaptation of old scholastic methods of disputation to new uses. In seminary priests and in the schools of the Jesuits we have "survivals" of the

¹This paper on "Seminary Libraries" was written at the request of a committee of the American Library Association, and was presented at their annual meeting held September 6-9, 1887, upon one of the Thousand Islands. By consent of the editor of the Proceedings of the Association, the paper is published in this number of the University Studies, in connection with kindred articles on "The Work of Libraries" and "University Extension."

²See article by the writer on "Leopold von Ranke," published by the American Academy of Arts and Sciences. 1887, Vol. XXII, part II.

ancient system of practical training out of which our modern seminary methods have evolved.

Ranke called his seminary work historical exercises (*exercitationes historice*). They were simply private conferences between the professor and a little group of advanced students for the critical study of the sources of mediæval history in the professor's own library. There, with the apparatus of historical learning close at hand, Ranke trained the future historians of Germany to exact methods of analyzing sources and determining facts. It was at this period that George Pertz was editing and publishing the original texts of German mediæval history—the *Monumenta Germanice Historica*—and it was the proper use of these texts which Ranke taught his students. He showed them how to compare one authority with another, to weigh evidence, and to balance it by critical judgment. It was in Ranke's seminary that men like George Waitz and William Giesebrecht learned how to collect from many scattered sources all the facts and authorities belonging to the history of the Saxon dynasty of the old German Empire and to arrange them chronologically in Year Books. Thus, in Ranke's private library, German history began to be reconstructed. Thus to modern fields of inquiry was transferred that critical method of textual study which Ranke had learned from the writings of Niebuhr and from the classical philologists of Leipzig. This method was extended by Ranke's pupils throughout all Germany. The writer is assured by Dr. Jastrow, one of Ranke's students, that there is to-day not a single professor of history at a German university who is not, directly or indirectly, a product of the Ranke school. His ideas have penetrated other lands—Switzerland, Italy, France, Belgium, England, and are now represented in American colleges and universities.

Seminary libraries in Germany are usually the professor's own collection, reinforced by such drafts upon the University library as seminary students are allowed to make. It is the custom in some German universities—notably in Berlin, as

the writer well remembers—for professors whose courses a student follows to become surety for him in the drawing of books. Under professorial direction students find their own way in the university library to the proper sources of information upon the subject under discussion in the seminary or in lecture courses. Sometimes special problems are given by the professor for student solution by private study and for report at a future seminary meeting. There the student appears, fortified by books and documents borrowed from the university library, and prepared with his brief of points and citations, like a lawyer about to plead a case in the court-room. Usually the members of a seminary take their weekly turn in the presentation and solution of some historical problem or in the elucidation of some historical text, of which all have a copy. Authorities are discussed; parallel sources of information are cited; old opinions are exploded; standard histories are riddled by criticism, and new views are established. This process of destruction and reconstruction requires considerable literary apparatus, and the professor's study-table is usually covered with many evidences of the battle of books. The dead and wounded are, however, quickly cleared away when refreshments appear upon the scene.

One of the pleasantest features of our seminary meetings in Heidelberg was the weekly display of new books, monographs, pamphlets, and other publications which were sent to our professor from his book-seller for examination by the students before and after the regular seminary exercises. In this way young men were made familiar with current historical literature. The professor's comments upon this or that author, his past or present work, were usually very instructive. Such conversation was an agreeable dessert after a somewhat jejune meal of mediæval Latin. Ideas were exchanged by the students upon books which they had already read or examined. Useful suggestions were thrown out by the professor in a kindly, helpful way, and the symposium usually broke up in a very cheerful state of mind,

notwithstanding the sharp tilts and hard hits which some members had received in the course of the evening. Seminary work does not consist altogether in looking at new books. The real business is the mock fight of one man against all the rest, including the professor. To be sure, that one man has been permitted to arm and strengthen himself in every possible way in the arsenal of science, the university library; but usually somebody finds a weak spot in his armor.

While the private library of a professor continues to be a favorite place for seminary meetings in all German universities, it has been found expedient in some cases, where the seminary membership is large, to secure a special room at the university or near the university library. The increased demands upon the latter, the delay and difficulty incident to the procuring of books for seminary use from an inadequate supply, has led to the institution of small working collections for the special and exclusive benefit of a particular seminary. These select libraries are supported by private subscription, special endowment, or definite appropriation from year to year. There is always a professorial director who has authority, within certain economic limits, to order books for his seminary. The room and library are placed in the charge of an advanced and trustworthy student, sometimes the senior member who is regarded as the professor's deputy, and is a man having authority over other members, some of whom serve as willing proxies. The library is managed upon principles of comity and general accommodation. It is a kind of literary club-room. Each member has a key to the room and comes and goes when he pleases. He has a private desk, or a drawer in the seminary table, where he keeps his notes, papers, and writing materials. The room is accessible at all hours during the day and evening, and is usually an attractive place for quiet, uninterrupted work. A well-lighted, well-equipped, comfortable place for study and research is a boon highly appreciated by the average German student,

whose domestic accommodations and private library are usually inferior.

The best of these seminary libraries are in Bonn, Leipzig, and Berlin; but the smaller universities have them also. In Heidelberg there was, in the writer's student days, a seminary-library of political economy, which served an excellent purpose in supplying earnest workers with the necessary tools and a work-shop, at a time when the university library was entirely unequal to student demand for economic literature. Seminary work has proved so valuable in Germany that both the state and the imperial governments have recognized and encouraged it in substantial ways. Probably the best equipped seminary in the world is that founded by Dr. Engel in connection with the Statistical Bureau at Berlin. It has a superb special library of historical, political, social and economic literature, with all the most important periodicals in this line from various countries. One of the duties of seminary members is to report upon the contents of these periodicals. Some of the best special work in modern German political science has been done in connection with this statistical seminary, which is supported by the Prussian government. Membership is limited to university graduates of advanced standing. The seminary is really a government school, or civil academy, which trains educated men for the highest branches of the civil service, and for special inquiries connected with the census of the German states and of the German empire. There is a general director of the seminary, who also has charge of the Statistical Bureau, and he secures the best talent from the Berlin university to lecture to his seminary students, whom he guides practically into lines of scientific inquiry useful to the State, or to society at large.

II.

SEMINARY LIBRARIES IN AMERICA.¹

The evolution of the seminary and of seminary libraries in America proceeded from ideas brought home by American students from German universities. One of the first forms of development was that in the University of Michigan, where, as early as 1869, Professor Charles Kendall Adams instituted a special class for the study of English Constitutional History, with reference to the original sources of information as well as to standard literature. He published a useful pamphlet, entitled "Notes on the Constitutional History of England," with general topics and suggestions for the guidance of his students in their use of the university library. Although there is no published evidence of original work at the University of Michigan in the English field of historical research, yet this early form of American seminary training, upon large and conventional topics, served a most important purpose and led the way to excellent original work in the American field, notably to Dr. George W. Knight's scholarly paper on the "History and Management of Federal Land Grants for Education in the Northwest Territory," published by the American Historical Association in 1885; and to Miss Lucy M. Salmon's "History of the Appointing Power of the President," which has been pronounced by Mr. George William Curtis to be the most valuable contribution to the historical literature of Civil Service Reform since the work of Dorman B. Eaton on the Civil Service of Great Britain. Miss Salmon's monograph was published by the American Historical Association in

¹ The relation of American seminary libraries to department work in history is shown in greater detail in a special report on "The Study of History in American Colleges and Universities," pp. 300, made by the writer to the Bureau of Education, and printed as Circular of Information No. 2, 1887. Pictorial illustrations of seminary libraries are there given.

1886. It must be gratifying to the founder of the seminary method in the University of Michigan that Dr. Knight has carried the seminary idea to the State University of Ohio, where he has given a fresh impulse to the history of the northwest, and where he has become the chief editor of the *Ohio Archæological and Historical Quarterly*; and that Miss Salmon has been appointed professor of history in Vassar College, where she will doubtless promote original research among young women.

The Historical Seminary of the University of Michigan was for many years dependent upon the inadequate resources of the general library; but at last Professor Adams secured the gift of \$4,300 to be expended under his direction for the benefit of the historical department, upon the easy condition of not publishing the name of the giver. By the aid of this subsidy it became possible to supply the seminary with a suitable literary outfit. Counsel was taken with specialists in England and, by their coöperation, a valuable collection of books and documents was procured, suitable for an original study not only of English institutions, but also of municipal government in various European countries. When plans were drawn for the new library building of the University of Michigan, provision was made for the accommodation of the Historical Seminary. Special rooms were reserved in one of the two main wings and there its meetings are now held, in close proximity to a fire-proof book-room, from which literary supplies are brought for seminary use. A portion of the seminary library is kept in the seminary rooms for easy consultation; but the rarer works and books that are not in constant demand, are kept in the fire-proof, central repository. The seminary is supplied with numerous tables and with all the necessary appliances for the encouragement of quiet, individual work.

From the University of Michigan the seminary method has been transplanted to Cornell University by Professor Moses Coit Tyler, who now directs a flourishing seminary of Ameri-

can history, and by President Charles Kendall Adams, who continues, in association with Professor Herbert Tuttle, to encourage original historical research. The writer has taken occasion to visit the seminary-rooms of these teachers. He found Professor Tyler's seminary furnished with excellent apparatus for historical instruction, maps, diagrams, etc., and communicating directly with his own private library, from which books can be easily taken. President Adams' and Professor Tuttle's seminary is in immediate connection with the main library of the university. A long, high room, well-filled with books of reference and documentary sources of English history, is supplied with a long table, and, around this, special students assemble from week to week for the discussion of original papers. Members of the seminary have access to this room every day during library hours and pursue their investigations in greater quiet and seclusion than would be possible in the main hall of the university library. The present librarians are highly favorable to the seminary method of work and coöperate with both students and instructors in every possible way. It is understood that in the new library building of Cornell University ample provision will be made for seminary rooms, which shall have all the advantage of privacy, and at the same time convenient connection with the central collection of books. This is the ideal arrangement. It is also understood that Ex-President White's historical library, lately presented to the University, will constitute the literary environment of an historical seminary.

At Harvard University the evolution of the seminary idea began very early, although no use appears to have been made of the seminary name. In the year 1870 Henry Adams was appointed Assistant Professor of History, and he led his students into the novel field of mediæval institutional history. Following for a time in the steps of Von Maurer and of Sir Henry Maine, for the purpose of training himself and his classes, he soon struck into the independent field of Anglo-Saxon Law, with a little company of advanced students,

namely, Henry Cabot Lodge, Ernest Young, and J. Laurence Laughlin, all of whom have since acquired individual reputation as instructors in Harvard University and in other ways. The first fruits of original historical study at Cambridge were published in a volume bearing the title of "Essays in Anglo-Saxon Law," Boston, 1876. The work was republished in England, and is regarded as a substantial contribution to historical jurisprudence. To the best of the writer's knowledge it was the first original historical work ever accomplished by American university students working in a systematic and thoroughly scientific way under proper direction.

In the alcoves of the Harvard University Library there has been quietly developing for several years a system of book-reservations for particular instructors and their classes. A stranger walking through the main hall of the old library building will be struck by the great number of special collections or groups of books, bearing the names of individual members of the faculty, as though each one had pre-empted an alcove for his own benefit. A closer examination will show that these are all artificial and temporary groupings of a few dozen books for a particular pedagogical purpose. They have been taken from the main collection, or book stack, and placed here in the alcoves of the general reading-room for the accommodation of students who are pursuing elective courses in history or literature. These books may be used on the premises at tables provided for the purpose, or they may be taken out over night or over Sunday, under special rules. Upon reflection it occurs to a student of institutions that here is a system of seminaries in process of evolution. Each instructor with his elective class represents a university leader with a scientific *comitatus*. Just now their place of muster and training is a university class-room, quite remote from their armory, which is the university library. One of these days, perhaps, they will meet and drill in the armory itself, if that shall be duly enlarged; or else, perhaps, they will carry off the equipment to their own camp, and leave the management

to supply losses by means of duplicates. At any rate, the Harvard University Library has every internal appearance of being able to swarm into a dozen or more seminary libraries on very slight provocation.

If book reservations in the alcoves are fostering the seminary idea at Harvard, certain experiments in the book-stack and vicinity have evolved the seminary itself. Some years ago, Professor Emerton, who now occupies the chair of Church History, was allowed by Mr. Winsor to hold historical conferences with a few advanced students in a small room in close proximity to the main collection of books, the so-called "stack." Thus the historical resources of the entire library were made immediately available for reference or special use upon the premises. Access to the shelves of a great collection of books is an inestimable boon to both teachers and students who are blazing their way through some forest of original research. It is easy to say that a man will not see the forest on account of the trees, if he is turned loose in a vast library wilderness. It is, however, as easy to reply that a student does not care to gaze at the whole forest for a permanent occupation; he wants to become a good woodman, and to learn to find his way through every wood and thicket. That is what Professor Emerton and his students learned to do in their original studies of mediæval history. Through the great and tangled mass of literature pertaining to their subject they cut vistas of interest, light, and usefulness to historical science. The same kind of work has been done during the past year or two in the field of American history by Dr. Edward Channing, who encamps weekly with his woodcutters in a corner of the book-stack itself. The good work which they have done indicates that it is worth the while of every enlightened library management to permit vigorous young men to enter their choicest reservations and to bring forth what the great historian Ranke called "timber." Such is the very stuff out of which history is made.

At Yale University Professor Dexter has instituted book

reservations in the alcoves of the general library. A special collection of books for the use of his classes in History has been made and set apart by Professor Arthur M. Wheeler. This is the end to which the whole matter must come; for, with the growing number of students and lecture-courses requiring private reading or original research on the part of students, there will be no possibility of the university or college library supplying all the literary demands made upon it. Each instructor will need to have his own class-equipment of books, his own literary laboratory, as truly as every professor of natural science has his own special apparatus. It is not possible to specialize permanently and completely the main library in the interest of particular departments of humanistic culture, for these overlap and dovetail into one another in such a way that reservations for one class of men interfere with the rights and interests of another class.

At Columbia College there is an interesting and suggestive phase of library-coöperation with the seminary method of work, which is becoming more and more prominent at that institution. There is a special librarian of the historical and political sciences, who gives an annual course of lectures upon the bibliography of his department to members of the School of Political Science, thus teaching students the ways and means of inquiry in their particular field. This librarian is stationed at the entrance to the political science section of the main library, and there serves as an efficient mediator between men and books. Like the person whose duty it is in our great railway stations to answer the questions of perplexed travellers, Mr. George H. Baker, in the Columbia College Library, informs every inquirer where to go for what he wants. In the next place, all special works in political science have been grouped in one large room, which, with its private desks and conveniences for individual research, serves alike all classes and seminaries connected with the department of historical and political science, although seminary meetings are held elsewhere. It has been clearly recognized by the

trustees of Columbia College that a well classified, well administered library is the corner-stone of the new School of Political Science and of the coming University. Such should be the foundation of every department of sound learning. Professors change; students come and go; but the library remains and upholds forever the best work of every individual builder and the whole superstructure of Science.

Various experiments have been tried by the historical department of the Johns Hopkins University in the way of associating seminary work with a good library environment. In 1876, immediately upon the opening of the institution, an attempt was made to associate a Seminary of American History with the Library of the Maryland Historical Society, which has a remarkably fine collection of public documents, and is fairly supplied with Americana. The experiment of a weekly meeting of advanced students around a long table, in one of the rooms of the Society, was continued for three years with gratifying success. But the distance of the place from the University, the weakness of the Historical Society Library in European history, and a broadening of department plans for historical study, caused a change of base to the Library of the Peabody Institute, where in a small lecture-room, around a long table, students met their instructor from week to week for a study of the sources of English constitutional history, for which the Peabody Library was well equipped. Books were brought in for use during the session of the seminary, and then they were put upon a reservation in the large reading-room of the main library for further consultation during the week. This was a combination of the Harvard ideas of book-reservations and of a seminary-room adjoining a great library; and a very good combination it proved to be.

Circumstances, however, such as the acquisition of the Bluntschli library and a working collection of books and documents, forced the seminary to a second change of base, and this time back to the University and into a suite of nine rooms vacated by the biological department upon removal to

its new laboratory. The influence of the newly acquired environment had, perhaps, some effect upon the development of the historical seminary. It began to cultivate more and more the laboratory method of work and to treat its book collections as materials for laboratory use. The old tables which had once been used for the dissection of cats and turtles were planed down, covered with green baize, and converted into desks for the dissection of government documents and other materials for American institutional history. Instead of cupboards for microscopes, instruments, and apparatus—instead of show-cases for bottled snakes and monkey-skeletons, the visitor now beholds book-cases full of books, pamphlets, manuscripts and coins under glass, a growing museum of prehistoric, Egyptian, and classical art. These collections are frequently used for purposes of historical illustration. The idea that the sources of history are more extensive than all literature, begins to dawn upon the student as he explores the environment of this seminary-library which is also a seminary-museum.

All seminary libraries should be working collections, duplicating if necessary works already owned by the university. Duplication, which is the horror of some librarians, is one of the advantages of the seminary system when fully carried out; it doubles, trebles, or quadruples scientific resources in a particular field and masses them with overwhelming power upon a definite scientific object. In every working collection of books the principal authorities are brought together as in a focus, and it is through this seminary-focus that the strength of the main university library first becomes thoroughly specialized and able to concentrate itself, if required, upon one point. Seminary libraries should be the arms of the library body, organs of strength in themselves but depending upon and constantly invigorated by vital forces proceeding from the central trunk. It is not enough that a great library should be able to deliver on call a single book. *Parturiunt montes, ridiculus mus* seems to be the ideal of delivery in some insti-

tutions. That ideal is good so far as it goes. It is a good thing to be able to find the needle in the haystack; but it is a much finer thing to be able to gather quickly all the needle-guns from a great armory and equip a band of trained men instantly with all that they need for the advancement of science.

There are libraries in the world that are grand, solemn, and stately, like the Egyptian pyramids, and in some cases quite as inaccessible. Some libraries have, indeed, their Grand Galleries and their King's Chamber, but the great mass of books is impenetrable; its treasures are unknown. The enormous size and dead weight of many famous library collections stand in the way of their practical usefulness. They are an unwieldy bulk, monumental and impressive. The student is awe-struck by the very approaches to these wonderful and mysterious structures. The writer remembers seeing in a great library in Europe a sphinx-like, double row of great folio catalogues, filling a large room which was the literary avenue leading to a city of the dead. To decipher the paper labels distributed through those ponderous tomes was like making one's dusty way through Egyptian tombs and attempting to read the writing on the walls or on mummy cases. The writer speaks feelingly as well as symbolically upon this subject, for he has experienced the practical difficulties of using to good advantage certain European libraries. He is confident that the practical, administrative skill of American librarians can work out better things for the benefit of American students than the antiquated arts and clumsy devices of the old world have accomplished. Pyramids and cathedrals, and the libraries which resemble them, may stand forever. No one wishes to see historic monuments destroyed. But such monumental methods of building are not to be imitated in the twentieth century. In this country we shall construct neither Mausoleums nor Ramseums, but palaces for the instruction and delight of the people and of their sons and daughters. We shall build and rebuild our public schools, libraries, and universities, until the whole building, fitly framed together, groweth into a holy and living temple.

III.

SEMINARY LIBRARIES FOR THE PEOPLE.

My plea to American librarians is to popularize the seminary method. Set apart special rooms where classes and clubs can meet under competent direction for the special use of books. Convert your library into a popular laboratory. This idea has been evolved in various localities, notably in Worcester under the able management of Mr. S. S. Green, and in Providence under the efficient guidance of Mr. W. E. Foster, who have brought the school systems of their respective cities into organic connection with the public library. Mr. Green's original idea has found cordial recognition and active propaganda through the American Librarians' Association. The thought of higher education for the people through libraries, which are the highest of high schools, is in the air and sooner or later it will find a lodgment in all our great towns and cities. It is not enough to connect public libraries with the work of public schools. You must connect your institutions with the educational wants of the people. There should be in every great community organized instruction, through public libraries, for the graduates of public schools, for persons past the school age, for mechanics and the working classes in general. Desultory reading and individual use of the public library are not sufficient. There must be methodic and continuous work under proper guidance. There must be concentration of energy on the part of both readers and managers in our public libraries. The way to accomplish this desirable end is to institute:

1. *Library courses* of instructive lectures upon social science, political economy, modern literature, and modern history. The day of popular *Lyceum lectures*, or the variety show of literary fire-works, has gone by. Continuity of instruction rather than varied entertainment is what our people need

to-day. Short courses of twelve lectures, one lecture a week, given in a simple, conversational style, with a printed syllabus of topics and definite references to authorities in the public library, are the kind we want. The course should be paid for by subscriptions from public spirited men and women. Boys and girls should be sent around to sell course-tickets to work-ingmen and women at as cheap a rate as possible. One-half of the lecture-fund should come from capital or philanthropy ; the other half, from labor or sales.

2. *Class courses* for the discussion of the lectures. In every popular audience there is a "saving remnant" of earnest hearers who would be glad to learn more of the subject. The lecturer should gather this student-element into a weekly class, or conference, before or after each lecture, to review previous work. Questions should be asked and answered on the part of both students and teacher. Topics for investigation and report should be assigned to individuals, who should be referred to the proper authorities in the public library. The latter should make temporary reservations of books to meet the demands of the class and should not hesitate to institute duplicate collections, if justified by the demand. The temporary grouping of a few standard authorities upon one of the reading-room tables, or in the class-room, if that is near the main library, will have an excellent effect in stimulating interest and enquiry.

Public librarians are the men to institute this higher education among the people by organizing instruction. They can enlist any amount of coöperation in a progressive community. They can call a caucus of teachers, ministers, intelligent citizens, young men and maidens, and unite all the best forces of society in something higher than sect or party. An active librarian, or his assistant, with a good working committee of young people, can manage this higher educational enterprise, which should have the patronage of the mayor or some leading man in the community. The lecturers should be obtained from the best local talent or from the nearest college or university-centre of supply, after the manner of the "Uni-

versity Extension"¹ system which has been so wonderfully successful in England. At trifling expense university education has been carried into many of the great towns and district-unions of the mother country. University Extension tends to break down antagonism between the classes and the masses and to harmonize the highest interests of capital and labor. It substitutes intelligence for ignorant agitation and induces a better understanding of social questions. If a local demand should arise for systematic instruction by lectures, our American colleges and universities would soon rise to the needs of the situation and would train their best graduates for precisely this kind of work. In the meantime, communities must help themselves through their public libraries and the best local talent that may be available. Some day university culture will be brought into all the great towns of this republic without bricks and mortar. Monastic walls are not essential to the People's University. Its faculty will be drawn from all parts of the country and its seminary libraries will be as numerous as are the towns of men.

¹The English system of University Extension is more fully described by the writer in a subsequent special paper.

THE WORK OF LIBRARIES.¹

At a recent meeting of the American Library Association, upon one of the Thousand Islands, an idea was suggested which met with the hearty approval of many competent managers of libraries. The idea will be speedily acted upon by the Worcester public library, which is one of the best administered in all New England and which has done most of all in mediating between good literature and the public schools. The librarian of that new and model library building in the city of Buffalo proposes also to act upon the suggestion, and it is looked upon with great favor by the librarian and trustees of the recent \$3,000,000 Newberry foundation in Chicago. These facts will perhaps justify me, a disinterested friend and no longer a resident of Northampton, in recommending the project to the consideration of intelligent citizens

¹ The above article, written by request for a local exposition and a local application of the idea of seminary-libraries and class-courses for the people, was printed in the *Springfield Daily Republican*, September 26, 1887. Its republication in connection with the original paper, presented to the American Librarians, may serve a practical purpose in other localities than Northampton and New England Towns. Indeed, the above article has already been partly reprinted in Buffalo and Chicago in the interest of library-work. The experiment of a library-course of instruction for the people is to be tried in Buffalo this very winter. The chosen subject is *The Relation of Capital and Labor*. The course will occupy twelve weeks, with one public lecture and one class exercise for discussion each week. The sum of \$300 has been guaranteed by subscription and a competent teacher has been secured, who will devote his entire time for twelve weeks to the direction of the course and to an efficient use of the public library

through the columns of *The Republican* which has already made some allusion to my recent address to the librarians. The Forbes library offers such a superb vantage-ground for planting a new idea that my zeal as a propagandist has been easily excited by inquiries from one or two of your readers.

My idea in brief is this: every great public library should become, in its own local field, a people's university, the highest of high schools in the community. It should be the roof and crown of organized public instruction not only for existing schools, but also for the graduates of schools, for studious persons already past the school age, whether in the higher or the lower walks of life. There is a most extraordinary movement in England called "university extension." It means the extension of university instruction, in popular form by lecturers from the great university centres of Oxford and Cambridge, throughout the great towns and manufacturing districts of England. Educated young Englishmen are beginning to realize what Lord Bacon long ago said, that "learning for man's self is, in many branches thereof, a depraved thing." In response to local demands for systematic instruction in political economy, social science, English history, English politics, etc., university men are now going forth from their academic cloisters to meet the social wants of their time. During the last ten years the University of Cambridge alone

on the part of his class. This novel experiment will be watched with great interest. Its novelty consists in the conversion of the economic section of the library into a public seminary or popular laboratory, for definite, progressive, continuous instruction under a teacher employed by a local library association of subscription members for a particular course. Continuity of instruction and an economic interest in the course on the part of every hearer distinguish the experiment from the antiquated lyceum-course or literary variety show, and from the modern free entertainment or mental soup-kitchen. In Buffalo the effort is made to have every attendant upon the public course pay \$1.50 for the twelve lectures; and every attendant upon lectures and the class for discussion to pay \$2.50 for the double privilege. The deficit of labor, or self-help, in this enterprise will be met by a subscription-fund from capital.

has supplied 600 popular lecture courses and reached 60,000 Englishmen. Antagonism between the classes and the masses has been broken down. Capital and labor have joined hands for the elevation of society. The attention of entire communities has been directed to the burning questions of our time. Public reading, instead of being frivolous and desultory, has been led into profitable fields. Intellectual energy has been concentrated upon particular subjects for sufficient time to create some mental and moral impression. Now, my notion is that these same results can be accomplished in America through the agency of our great public libraries, by utilizing the highest educational forces within their reach.

In order to organize and shape instruction for the people in a large community like Northampton, various things are needed. First, an educated librarian of the modern type. The administration of libraries has become a distinct profession, requiring special training of the highest order. The idea that a broken-down or feeble-minded person can manage a great library containing the wisdom of all the world has pretty generally died out. A man or woman is needed who has been educated for the profession of librarian as a lawyer is educated for the law, or as a physician is educated for his practice, although the liberal professions are sometimes poor models for the training of specialists.

Second, under the direction of a competent librarian, library lectures should be instituted in courses of twelve plain talks, one each week, upon one great subject, like labor and capital, social problems, history of the nineteenth century, etc. Continuity of ideas and plainness of speech should be cultivated. The old-fashioned lyceum course on heterogeneous topics was a distracting variety-show, and is a thing of the past. Public interest should be awakened and held to particular themes of some moment to society.

Third, class courses. In every popular audience there is always a "saving remnant" of earnest students, although they may never have graduated from college or even from

a high school. Such persons, whether clerks or mechanics or cultivated book-worms, whether male or female, in society or out, should be gathered by a person of tact and sense into a class-course for a discussion of the previous lecture and for guidance in private reading. Topics should be suggested for individual study and report to the class. Printed references to standard authorities in the public library should accompany the printed syllabus of the public lectures. Book reservations corresponding to this list should be set apart for consultation upon a reading-room table.

Fourth, a lecturer or instructor should be engaged for the library and class course. When one course is ended another should be organized, with a new man. Competent specialists can be secured from the nearest college or university, and they should be paid, not only for their expenses, but \$10 or \$20 for each lecture. The local rate for sermons would be a fair basis for the lecture tariff. It is an imposition to ask scientific men to lecture for nothing. Moreover, free lectures have more or less pauperized intellectually every community. They are almost as bad in their way as Roman circuses or free lunches. No dead-heads should be the rule in all higher education. Free scholarships, premiums on poverty, something for nothing, will be the ruin of students if a halt is not called. Of course, all education is more or less a charity, but the economic element should not be wholly eliminated. Some quid pro quo should be given for teaching as for preaching. In England one-half of the expense for university extension lectures is usually defrayed by the sale of tickets by canvass among the people. The other half comes from the subscriptions of public-spirited citizens. The more generous the subscription, the cheaper the tickets and the greater the sale.

The practical conclusion of these suggestions is that the trustees of the Forbes library ought to arrange, in their plans for its construction for (1) a small lecture hall, seating perhaps 300 people. A small hall is preferable for higher educational purposes. People want to come when the company is neces-

sarily limited. (2) A class-room capable of accommodating fifty students, all seated around tables in banquet-fashion, for a conversational discussion of lectures, for the examination of books and specimens, etc. Such a room would serve many literary and educational purposes in a community like Northampton. The new library at Buffalo, which is admirably described by its efficient librarian, Mr. J. N. Larned, in an illustrated volume, has provided for a lecture-room and a class-room; and Dr. W. F. Poole, of Chicago, is considering the same project for the great Newberry library.

One point more. The good people of Northampton have upon the heights of their growing city a beautiful college, with an excellent corps of professors, trained in all the arts and sciences, and with a great variety of educational apparatus, which might easily be conveyed a short distance for the illustration of popular evening lectures. Here, upon the heights of learning is an unfailing source of intellectual supply for the intellectual demands of the people of Northampton. Here is a fountain of inspiration for a people's university. Here Smith college and the Forbes library ought to stand side by side as the Erechtheum and the Parthenon stood upon the acropolis of Athens. The temples of Minerva should have elevation, light, and beauty. The "still air of delightful studies" will be as agreeable for a people's university as for a woman's college. Seclusion from the noisy street, room for the expansion of a great institution, which is to broaden and deepen its popular foundations through the coming centuries, are important considerations for all the friends of sound learning in the progressive town of Northampton.

UNIVERSITY EXTENSION IN ENGLAND.¹

There is a remarkable movement in England towards the higher education of the people. Education like government is broadening its foundations. Common schools have long been recognized as pillars of free government, but the extension of higher education by the classes to the masses is a striking phenomenon in aristocratic England. It is like the extension of the franchise. The old-time exclusiveness of English universities is breaking down. From classic shades, from quadrangles shut in by ivy-mantled walls, vigorous young Englishmen have sallied forth to meet the world, manfully recognizing its need of higher education and carrying the banners of science into the great towns and into the manufacturing and mining districts of England. This novel movement is called University Extension. It has been in progress for more than ten years and there is now no question as to its popularity or success. The universities of Cambridge and Oxford, Victoria university (Owen's college), and the local colleges at Liverpool, Leeds, Birmingham, Bristol, Sheffield, Nottingham, Cardiff, and Bangor are all engaged in this democratic educational mission. The idea is taking hold of conservative Scotland, and it has already been put in practice

¹This article has been published by "Ford's News," a newspaper syndicate, and appears in the Annual Report of the Commissioner of Education for 1885-86, pp. 748-49.

by the universities of Australia. Sooner or later we shall see the idea popularized in America.

To a practical mind the most interesting feature of this movement is its economic character. It is not altogether a missionary movement or an educational crusade. It has its business side. It is primarily a case of demand and supply. Representatives of labor and capital in England have awakened to the fact that universities are in possession of a useful commodity called higher education. Men begin to realize that a good knowledge of English history, political economy, social science, literature and the arts makes for the general improvement of society and the development of a better state of feeling among its members. The demand is not for common schools; these exist already; the recognized need is higher education for adult voters and persons past the school age, too busily engaged perhaps in other pursuits to permit of much continuous study, and yet able to devote some of their time to intellectual improvement. Grasping the situation and its possibilities, public spirited individuals have formed educational societies or associations in towns and parishes; they have affiliated with existing local institutions of an educational or social character, such as local colleges, institutes, literary and philosophical societies, church institutes, mechanics' institutes, etc. They have appointed active secretaries and sub-committees, always representing the ladies. Young people are secured for canvassers. Teachers and artisans, capital and labor are brought together. Without sectarian or political entanglements, the best forces of the community have been united in an educational object. The mayor or some public man is made the honorary head of the enterprise. Subscription-shares of five dollars are taken, some persons subscribing perhaps for several shares, others clubbing together for one share, but all having representation in the society. Course tickets and single tickets are sold at moderate rates. Upon such good economic foundations these educational societies have made their demands upon

the universities for local instruction by lectures in systematic courses.

The universities have met this demand by a supply of well-trained, enthusiastic young lecturers, who, for a reasonable compensation, are willing to give public courses in the towns and districts of England. The university men of Oxford and Cambridge are recognizing that culture should not be selfish. The new political economy has already struck deep root in the English universities. It is Humanism in a new form. Individualism the world needs, but selfishness is always odious. The Cambridge men go out from their comfortable cloisters to lecture to the people for a variety of individual considerations, —good will, ambition for distinction, public spirit, scientific propaganda, and a fee of \$225 for a weekly course of twelve lectures. They agree to conduct a class each week for review or discussion of the previous lecture, and to correct voluntary exercises written at the student's own home upon set questions, requiring private reading. This involves laborious, painstaking work. The university appoints an examiner upon the term's work as marked out in the lecturer's printed syllabus of topics, which, by reason of its careful analysis, saves much labor in note-taking. The examination fee is ten dollars. Two sorts of certificates are given, "pass" and "with distinction." There is no further gradation of rank unless the local authorities offer prizes.

A term's work of twelve lectures and twelve class exercises is the unit of the university extension system. It costs altogether about \$325, including the university-fee and incidentals. Enterprising towns quickly multiply their courses until they have a regular curriculum extending through three years in various groups, such as (1) literature and history; (2) natural science; (3) the fine arts. The courses in English history and political economy are very attractive. Persons who follow a three years' course in one of the above groups, embracing six term courses of twelve weeks, and two courses in one other group besides his chosen specialty, are allowed to be enrolled

as "Students affiliated to the University," provided they will pass an examination in the elements of the higher mathematics, in Latin, and in one other foreign language. Such persons may count their three years' of university extension study as the equivalent of one year's residence at the university and may complete there the course for the bachelor's degree in two years. Thus, without lowering academic standards, English universities are extending their privileges to the English people. This liberal policy has led to the establishment of student associations throughout England and to the most hearty support of the higher education and of educational institutions by the workingmen. The English universities are doing more than any other one force in England toward breaking down the antagonism between the rich and the poor. Arnold Toynbee, a martyr to his cause, and other Oxford graduates have carried this new gospel into the heart of East London, where Toynbee Hall, with its lecture-courses and class-rooms and industrial training was the forerunner of the People's Palace, opened by the Queen of England, May 14, 1887. A society for the extension of university training has been formed in London and is associated with the universities of London, Oxford, and Cambridge. Besides Toynbee Hall, at Whitechapel, East London, there are thirty or more local centres of educational operations in and about London. Each centre has its own secretary and local organization and local economy. If the local subscriptions and local sale of tickets are not adequate to meet expenses, the central society aids largely in meeting the deficit.

University extension in England will continue its noble work with increasing energy and success. Its advantages are too great to be abandoned. First, it is revolutionizing popular lectures. Instead of the old system of lyceum courses, which was a cheap variety show for evening entertainment, there is now continuity of interest and specialization upon a particular subject until the audience really knows something about it. Second, university extension brings the higher

education into provincial towns without the necessity of endowing colleges or multiplying universities. For a few hundred dollars each year, every town and district-union in England can have the university system brought to its very doors. Third, this system strengthens all local appliances for education, whether schools, colleges, institutes, libraries, museums, art-galleries, or literary societies. "It combines with everything and interferes with nothing."

XII

EUROPEAN SCHOOLS
OF
HISTORY AND POLITICS

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History—*Freeman*

FIFTH SERIES

XII

EUROPEAN SCHOOLS

OF

HISTORY AND POLITICS

BY ANDREW D. WHITE

BALTIMORE

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EUROPEAN SCHOOLS OF HISTORY AND POLITICS.¹

In various visits to European universities during the past thirty-five years, I have been especially interested in this department, embracing those studies by which men are fitted to take part in public affairs, and I purpose giving a general account of its recent growth and present condition at some of the centers of European instruction, and then to bring the knowledge thus obtained to bear on what seems a great practical need in our own country.

GERMANY.

In every important university in Europe, during many years past, extended courses of instruction in history, political and social science, and general jurisprudence have been presented. The foremost rank hitherto, in this instruction, has

¹ A portion of this paper was read at the third anniversary of the Johns Hopkins University, February 22, 1879, and was then printed as read. The whole study is so important to students and teachers of History and Politics in this country that the Editor of this Series requested President White to allow a partial revision of the subject matter and its reproduction in the present form, with certain timely supplements which show what work is actually in progress to-day in European Schools of History and Politics.—*Editor.*

been taken by Germany. While it is true that the want of practical political instruction, that which comes by taking part directly in political affairs, has stood in the way of a complete, well-rounded political education of the whole people in that country, it is also true that to these courses is due almost entirely that excellence in German administration which is at last acknowledged by the entire world. We may disbelieve in the theories of government prevalent among the Germans, but we cannot deny their skill in administration.

Among the German institutions, in which a leading place is given to instruction relating to public affairs, probably the most interesting is the University of Tübingen.

Several years ago far-seeing statesmen established there a distinct faculty, devoted to the training of men for the service of the state. The results are now before the world. The graduates of this department hold to-day leading places not only in the administration of the Kingdom of Württemberg, but throughout the German Empire. In conversation with leading men in Southern Germany, I have not found one who has not declared this and similar courses of instruction a main cause of the present efficiency in the German administration.

The faculty at Tübingen, dealing practically and directly with political and social instruction [*Staatswirthschaftliche Facultät*], in the years 1887-88 embraced nine professors, besides sundry associate instructors, and in the faculties of law and philosophy were several other professors constantly giving instruction bearing upon these subjects. From their courses of lectures, recently announced, I select the following :

1. Political economy.
2. Money.
3. Postal and railroad system.
4. Labor question.
5. Agricultural policy.
6. Forestry (5 and 6 connected with excursions).
7. Credit and banking.
8. Finance.

9. Corporations.
 10. Social statistics.
 11. General constitutional law and politics.
 12. German constitutional law.
 13. Administrative law and practice, including dealings with crime.
 14. International law.
 15. The philosophy of law.
 16. History of communism and socialism.
 17. Educational system of modern States.
 18. Greek and Roman institutions.
 19. History of the age of Reformation.
 20. Universal history.
 21. Constitutional history of Germany (since 1806).
 22. History of the German Empire since 1871.
 23. History of our own times since 1850.
 24. History of social revolutions of modern times.
 25. Exercises in the seminary of political economy.
 26. Exercises in the seminary of history.
- Theses for competition ("Preisaufgaben"):

1. The question of the dwellings of the laborers and the attempts at solving it.
2. Representation of the influence of Albrecht Thaer and Justus Liebig on the development of German agriculture.

The above selection is made to show the extent of the instruction. There are also many other lectures in other faculties on kindred topics. It should also be noted that these are the subjects presented in a single term of a single year. During the time given by the student to his university course many other important subjects would be taken up.

The University of Tübingen may be taken as a type of those institutions in Central Europe which group studies relating to public affairs [*Staats- und Cameralwissenschaft*] in a single faculty; but in most of the universities these studies are not thus grouped, but simply scattered through various faculties, and especially through those of law and philosophy.

Of this latter class of institutions the University of Berlin may be taken as typical. From the courses given through the year 1887-88 I select the following, to show the scope of instruction :

1. Political economy.
2. Finance.
3. Banking.
4. Money.
5. Administration.
6. Taxation with the Romans.
7. Agricultural policy.
8. Statistics.
9. Socialism and Individualism.
10. History of the Middle Ages (4 different courses).
11. Prussian history.
12. Politics.
13. Parliamentarism.
14. History of East and Middle Asia in the 19th century.
15. History of the Macedonian Empire.
16. Roman history since Nero's death.
17. Greek and Roman institutions.
18. Geography.
19. Constitutional history of Germany (2 different courses).
20. Modern history (3 different courses).
21. Sources of Greek history.
22. History of the Roman Empire.
23. History of the Popes.
24. Exercises in the seminaries, besides lectures on the various subjects of law.

Connected with this in the announcement were grouped a number of those studies which with us are generally brought into the courses of our agricultural colleges. In such universities as Leipzig, Bonn, Heidelberg, Göttingen, Jena, Königsberg, Marburg, &c., similar provisions were made. It is interesting to observe that in all these the professors were ready to grapple with living questions, and that courses were

given in nearly all of them by distinguished men upon questions raised by the socialistic party.

As regards the preparation of young men for these courses, it is certainly not more than equivalent to that obtained in American colleges and universities of a good grade by the end of the freshman year. Having heard recitations of classes in various departments of the German gymnasia, or preparatory colleges, I make this statement with confidence.

AUSTRIA-HUNGARY.

In the Austrian Empire the new and liberal government has carried out largely the same system.

The announcement of the University of Vienna for 1887-88 shows that it has adopted the Tübingen plan of a distinct faculty for subjects relating to political and social science. In one term of 1887-88 courses of lectures were presented by this faculty, from which I select the following :

Vienna, 1887-88 (including two Semesters).

1. History of German Empire and law (3 different lectures).
2. Constitutional law of Austria.
3. Penal law and prisons.
4. Church law.
5. Roman law.
6. Law of inheritance.
7. The philosophy of law.
8. Law of mining.
9. Labor legislation.
10. Finance.
11. Political economy.
12. Statistics.
13. Administration.

Besides this, provision was made in other faculties for extensive instruction in various departments and periods of history.

As to the general character of all this instruction among German-speaking peoples, whatever it may have been in the

past, it is not at present calculated to breed *doctrinaires*; it is large and free; the experience of the whole world is laid under contribution for the building up of its students; questions of living interest have their full share in the various lecture-rooms. To know how our own democracy is solving its problems, one of the German universities sends to this country for study one of its most gifted professors, one from whom thinking men on this side of the Atlantic have been glad to learn the constitutional history of their own country. The lectures of Professor Von Holst, as delivered here, and his work upon the constitutional history of the United States, are sufficient to show that this instruction in the German universities is given in a large way, and is not made a means of fettering thought. At no seats of learning in the world, probably, is political thought more free. The University of Berlin stands on the main avenue of the capital of the German monarchy, directly opposite the Imperial Palace. Within a stone's throw of the Emperor's work-table are the lecture desks of a large number of professors, who have never hesitated to express their views fully upon all the questions arising between democratic and monarchical systems; I have myself, in these lecture-rooms, heard sentiments freely uttered which accorded perfectly with the ideas of Republican and Democratic American statesmen.

SWITZERLAND.

In the Swiss Republic, instruction in political and social science is held in especial honor. At the universities of Zurich, Basle, Berne, and Geneva, a large number of professors are constantly engaged in it; young men come to them with the direct purpose of fitting themselves for a political career.

FRANCE.

In France, for many years, history, political and social science and general jurisprudence have held a leading place in

all the great institutions for higher instruction. Whatever may have been the political mistakes of that country, many of which are directly traceable to the want of popular education, it cannot be denied that the internal administration of the country is conducted with great ability, and its ordinary legislation with great foresight. The financial errors which in times gone by have cost France so dear, and which have since been so ruinous to other nations, have been skilfully avoided during this century. It is common to ascribe the speedy recovery of France from various catastrophes to the subdivision of land among her people. This is doubtless an important factor in her success, but it is by no means all; a similar subdivision of land in our own country has produced no such rapid recovery from financial disease. No one can read French discussions of economic questions without seeing that to the trained skill of her statesmen is in very great measure due that stimulus to the production of wealth, and that recuperative power after disaster, which astonished the world after 1870-71, and which present the financial history of the French Republic in such striking contrast to our own.

To these results have contributed in no small degree the courses at the College of France. At that institution, in the heart of Paris, a knot of men has long been giving the highest political and historical instruction. In the center stood Laboulaye, who, though later somewhat withdrawn by his duties in the French senate, during many years, delivered lectures, not only upon general political history, and especially upon the constitutional history of the United States, but upon comparative legislation. About him have stood such men as Wolowski, Chevalier, Levasseur, Franck, Maury, Rozière, the younger Guizot, and others, treating of various great historical, political, and social questions, presenting the best thoughts of the past and present. Among the courses of lectures at the College of France, I noted especially the following:

1. International law.

2. Comparative history of legislation.
3. Political economy.
4. History of economic doctrines.
5. History and morals.
6. History of political literature.

At the Sorbonne and various institutions throughout France, as at Dijon, Caen, Poitiers, Bordeaux, Grenoble, Toulouse, Rennes, Aix, and others, similar instruction, in a greater or less degree, is presented by vigorous men.

But perhaps the most interesting creation of the last 25 years, as regards the preparation of young men for the service of the state, is the Independent School of Political Sciences. At the head of this stands M. Boutmy as director, and about him have stood several of the most thoughtful and energetic men in France. Of these may be mentioned such as Léon Say, member of the Institute of France, senator and ex-cabinet minister, Leroy-Beaulieu, Roederer, Levasseur, Lyon-Caen, Ribot, De Foville, chief of the bureau of statistics in the ministry of finance, and others noted as members of the Institute of France, and of various important political bodies.

Independent School of Political Sciences at Paris.

PROGRAMME OF LECTURES OF TWO YEARS: 1887-88, 1888-89.

1. Comparative administrative organization.
2. Administrative affairs.
3. Financial systems of the principal nations.
4. Public revenues and taxation.
5. Political economy.
6. Statistics, foreign commerce.
7. Constitutional law of France, England and United States.
8. Constitutions of Germany, Austria, Belgium, Switzerland and Italy.
9. Parliamentary and legislative history of France, 1789-1875.
10. Geography and Ethnography.

11. Diplomatic history from 1789 to our own time.
12. Contemporary Europe and Oriental affairs.
13. Diplomatic history from 1648 to 1789.
14. Economic geography.
15. International law.
16. Comparative commercial and maritime law.
17. French colonial legislation.
18. Comparative civil legislation.
19. Colonial geography.
20. History of the formation of the principal states of Europe in the middle ages.
21. History of relations between the Occidental States and the Oriental.
22. Money and Banking.
23. Organization of the Central government.
24. Finance.

The whole of this instruction is divided into five sections. They are known as—

1. Section of administration.
2. Section of diplomacy.
3. Section of political economy and finance.
4. Section of colonial policy.
5. General section, including public law and history.

In addition to these, and connected with both, is "a course in modern languages," the two on which especial stress is laid being German and English.

While the purpose of this school is to prepare young men, in a general way, for public affairs, it has immediately in view preparation for certain branches of the administration under the French civil-service system. Each of the sections completely prepares for one of the following departments and their competitive examinations:

1. Diplomacy (ministry of foreign affairs, legations, consulates).
2. Council of State (auditorship of second class).
3. Administration, central and departmental (under prefectures, secretaryships of departments, councils of prefectures).

4. Inspection of Finances.
5. Court of Claims.
6. Colonial service in its various departments.

Besides it prepares for certain high positions in commercial life (banks, secretaryships of companies, inspection of railways, etc.)

This system of instruction presupposes the average secondary education, which may be considered practically equivalent to that given up to the end of the first year in our better colleges. The regular course of instruction in these schools is arranged to extend through two years.

A very interesting indication of the results obtained in this school is seen in the official statement regarding the success of its graduates in taking positions in the French administration under the civil-service rules. From the public competitive examinations, the following appointments have resulted :

Council of State.

1877-1887.—Of 60 candidates appointed, 48 belonged to this school.

Inspection of Finances.

1877-1887.—Of 42 candidates appointed, 39 belonged to this school. Since 1880 all the candidates appointed have been prepared by this school.

Court of Claims.

1879-1886.—Of 17 candidates, 16 belonged to this school.

Ministry of Foreign Affairs.

1886 and 1887.—Of 26 candidates appointed, 20 belonged to this school.

It will be seen, then, that this school, founded with an independent organization by a number of energetic scholars and political men, is already beginning to place its graduates in

leading positions under the French Government, and to act with force upon the amelioration of the French public service.

No one will wonder at these results who has conversed with the professors and students. If in the lecture-room of the College of France, at various visits during the last quarter of a century, I have admired the impulse given to general political thinking, I have admired not less in this newly founded school of political science the directness with which the best thought is applied to the immediate needs of the nation. Besides this, the French Government has taken pains that such instruction shall be brought to bear upon men in training for the great industries of the country. Wolowski, distinguished throughout Europe as a political economist, was employed to give lectures upon political economy at the Conservatory of Arts and Trades [*Conservatoire des Arts et Mètiers*]. He was succeeded by Professor Levasseur, of the Institute, and rarely have I seen an audience so attentive as the body of workingmen which fills his lecture-room. Lectures were also given by M. Burat in industrial economy and statistics.

ITALY.

In the universities of Italy, studies in political and social science and general jurisprudence have long been prominent. By the triumphs of Beccaria, Filangieri, and their successors, a great impulse was given to these subjects, and to this, probably, more than to anything else, is due the skill of Italian political management during the trying times of the last twenty years.

For a quarter of a century there had not been any striking increase in the number of persons engaged in teaching these subjects, but there has been great progress, notwithstanding. In a third visit recently made to several Italian universities, and among others to those of Naples, Pisa, Padua, and Bologna, I found a new scholastic atmosphere. When, over thirty years ago, I entered some of them for the first time, I was

struck with the listlessness, the trifling, the dalliance with what may be called the mere fringes of civilization, and, as a consequence, with the waste of vigorous thought; but as I stood again in some of those lecture-rooms, in the midst of a crowd of young men intently listening to lectures upon history, political economy, and kindred subjects, I could see that Rossi, Settembrini, Villari, Mancini, Pierantoni, De Gubernatis, and their compeers, had not labored in vain—that the country was aroused to the necessity of training up a body of men fitted to continue the work of Cavour, D’Azeglio, and Ratazzi. Especially valuable is the work begun and maintained under the direction and by the munificence of the Marquis Alfieri di Sostegno at Florence. His patriotism and filial love were combined in this school for instruction in political science and its influence upon his country, for good, is already felt. The higher instruction in Italy suffers undoubtedly from the scattering of resources through a multitude of universities; still the provision in the best of them is by no means small. In the University of Rome, which may be taken as a type, we found the following studies :

1. The philosophy of history.
2. General geography.
3. International law.
4. Roman law.
5. Philosophy of law.
6. Political economy.
7. Introduction to the study of jurisprudence.
8. Diplomacy and the history of treaties.
9. History of law.

GREAT BRITAIN.

The tendency toward strengthening this side of the higher education is also evident in the English universities; perhaps in none is the change within the last quarter of a century more striking. My first visit to them was made over thirty years

ago. The provision at that time for instruction in political and social science, to say nothing of the natural sciences, was wretchedly inadequate. Now, although they fall far short of what they should be, the influence of such men as Whewell, Arnold, Smythe, Sir James Stephen, Goldwin Smith, Charles Kingsley, Thorold Rogers, Montague Bernard, Harcourt, Jevons, Stubbs, Freeman, Seeley, Bryce, Fawcett, and their associates, has told for good upon the generation which is beginning to take hold of public affairs.

It is true that there is not yet at the English universities at any one time any such extended faculty in this department as we find in the great institutions of France and Germany, but these subjects are beginning to assert themselves, and already concessions have been made to them by the university authorities in the matter of examinations and degrees which a quarter of a century ago the most sanguine could not expect.

Nor is this all; the more recently founded public schools, or, as they might be called, preparatory colleges, are directing much attention to the fitting of men for the public service. Under the new civil-service system of the British Empire, such training has received a great impulse. In its whole development throughout the lower colleges and the universities it is becoming more and more prominent, and the same tendency is clearly seen in the leading universities of Scotland.

Having thus called attention to the main lines on which this department of instruction has been developed, I would briefly point out what seems to me a very suggestive characteristic of the instructing bodies.

Whenever a faculty of instruction is entirely made up of men held aloof from the usual currents of public life, there is danger of doctrinairism and pedantry, if not of cynicism. But this European instruction in political and social science seems to have steadily warded off these evils.

The cause of this will be easily found, I think, by any one who will study the lists of professors. In every great nation

of Europe it will be seen that in these faculties there is a considerable number of professors who, while carrying on their university duties, take an active part in public affairs. Professor Fawcett, of Cambridge, was a most energetic member of the British Parliament; Professor Montague Bernard, of Oxford, was hardly less energetic in the diplomatic service; Professor Vernon Harcourt, of Cambridge, has shown himself a statesman in the parliament and in the cabinet; Professor Goldwin Smith, formerly of Oxford, has exercised a constant influence as a debater and writer in centers of political activity. Professor Bryce is a member of Parliament and has held an important Under-Secretaryship.

In France, among professors now in service, in addition to others already mentioned, such men as Flourens, Dunoyer, Foville, Machart, Colmet, Vergniaud, and many others, have been actively engaged in various important departments of the public service.

In Germany, we may name out of a multitude who, as active men of affairs, have brought into the lecture room new currents of thought from the world outside, such men as Heffter, Gneist, Bluntschli, Knies, Roscher, Wagner, Holst, Oncken, and many others.

In Italy, the active interchange between professorial and public life is even more striking; every new ministerial cabinet shows a strong representation from the great instructing bodies, and we constantly see leading men speaking, during one part of the year, from their seats as senators and deputies, and during another part from their professorial chairs at the various universities.

By this rapid summary, from which I have attempted to exclude confusing details as much as possible, it will be seen that the leading nations of Europe, republics as well as monarchies, have committed themselves fully to the idea that the service of the state requires a large body of men carefully and thoroughly trained; that in consequence a system of higher instruction has been adopted to meet the needs of those nations

in this respect, and that the higher instruction has been kept in the current of the national life.

Application of European experience to ourselves.

I now turn to the practical application of this European experience and the modification of European methods with reference to the development of a system of instruction directly bearing upon public life in our own country.

The demand of this nation for men trained in history, political and social science, and general jurisprudence, can hardly be overstated.

In the United States we have, first of all, the national Congress, composed of two bodies, each called upon to discuss and decide the most important political questions, and to some extent the most important social questions. They thus discuss and decide for a nation, to-day of sixty millions of people, and which many now living will see numbering a hundred millions. Nor is it alone the appalling element of numbers which strikes the thoughtful citizen. Time stretches before us in a way even more appalling; foundations are now laying for centuries; what is done now is to tell for good or evil upon a long line of generations.

Nor is this all; the nations of the earth may be divided into active and passive. Active nations are those which are to work out the development of the world by thought and by act, by the speech and the book, by the missionary and the soldier, by the machine and the process—nay, by mere bales and boxes; passive nations are those which are to be acted upon, and often in ways more or less brutal. For good or evil, ours is to be among the active nations; its influence is to be felt not only upon the hundred millions of its own citizens, but upon the still greater number of the human race outside its boundaries.

Besides the Congress of the United States, we have nearly forty State legislatures, each composed of two houses, and

besides these, county boards, town boards, and municipal councils innumerable.

There are also executive officers corresponding to these legislative assemblies, and all these, whether entrusted with executive or legislative functions, are called upon to think out and work out these problems, probably for the greater part of the human race.

Besides these regularly constituted bodies, there are, from time to time, constitutional conventions in the various States, fixing the basis of legislation; these exercise an influence exceedingly far reaching, for they discuss political and social questions with especial reference to the past experience and future needs of the country; they fix the grooves, they lay the track in which political and social development will largely run.

Not less important are certain other bodies, having a more profound influence on real legislation than men usually suspect; despite the theoretical separation of powers in our government, the judicial body, throughout this land, is, in a certain sense, a legislative body; judge-made law is felt throughout our system and always will be felt; the judiciary of this country, from the honored bench sitting at the Capitol to the multitude of State courts of every grade, has an influence far outreaching the settlement of transient questions in accordance with recognized legal principles; for good or evil, their ideas of public policy are knit into the whole political and social fabric of the future. The relations of capital to labor, the connection of production with distribution, education, taxation, general, municipal, and international law, pauperism, crime, insanity, all are constantly coming before these bodies; policies are fixed, institutions created, laws made with reference to all these questions—policies, institutions, laws, in which lie the germs of glory or anarchy, of growth or revolution.

More important in some respects than the demand for better political training, among those destined for the public bodies, is the demand by the press. Even those of us who had best

realized the immense grasp which the newspaper press has upon modern civilization, were amazed, during the Expositions at Philadelphia, Paris, and New Orleans, at the revelations of the extent to which newspaper publishing is now carried.

When it is considered that at each of these myriad presses a knot of men is teaching large bodies of citizens, especially as to their rights and duties in society, and advising them on the most important political and social questions, it will be seen that here is an enormous demand for men trained in the subjects already referred to.

That there is not sufficient training of this kind at present is lamented by none more than by the leading editors of our greater journals; it has passed into a proverb among them, that it is easier to obtain a score of men with striking ability as versifiers, novelists, critics, and humorists, than one man who can write brief, pithy, comprehensive articles on living questions.

The pulpit too, honored as it is throughout our land, and pledged to every form of humane work, is acknowledged by those who most adorn it to need greatly this same instruction. The charities of our cities are dispensed largely through church organizations, and those who have attended meetings of the Social Science Association of the United States will remember the lament of one of the most honored divines of the American pulpit at the mistakes made in these charities, and in other dealings with pressing social questions in which the clergy are greatly interested.

That there is a constant danger of error in the present is shown by the experience of the past.

There is no nation in the world to-day which is not suffering from the mistakes of law-makers on all these questions; no thoughtful student in social science is ignorant that education has been crippled by ill-studied institutions; that pauperism has been increased by the very legislation intended to alleviate it; that up to a recent period insanity was aggravated, and even made incurable, by the usual system of public pro-

vision ; that ill-advised systems of warding off popular distress—systems embodying what is called “good common-sense”—have again and again brought great populations to the verge of starvation, and sometimes to the reality of it ; and that down to a period within the memory of men now living, crime was rendered more virulent by the repressive system of every civilized country.

In the midst of this necessity for thought and care, how stands it with our own legislation ? It was recently remarked by one of the most able and devoted men who ever left a foreign country to do noble work in this, that it saddened him to see many of the same lines of policy adopted in America that had brought misery upon Europe ; to see the same errors in the foundation of these new states which have brought such waste and disaster and sorrow in those old states.

No one who knows anything of our legislation can deny that serious mistakes are constantly made, and often with the best intentions. Of course I do not pretend that there are not many excellent public servants who obtain their knowledge of political and social questions in later life ; nor do I claim at all that none but men educated in these questions should enter public life ; nor do I deny the great service of many men who have received no such training—recent events have revealed many such ; but more and more, as civilization advances, social and political questions become complex ; more and more the men who are to take part in public affairs need to be trained in the best political thinking of the world hitherto, need to know the most important experiences of the world, need to be thus prepared by observation and thought to decide between old solutions of state problems or to work out new solutions.

It will hardly be denied that the want of such knowledge and such training is seriously felt in all parts of the country. In various constituted bodies, theories have been proposed which were long ago extinguished in blood ; plans solemnly considered which have led, without exception, wherever tried,

to ruin, moral and financial; systems adopted which have been sometimes the tragedies, sometimes the farces upon the stage of human affairs.

All this, too, not mainly by knaves or fools, but often by men of vigorous minds, of considerable reading, of what is called good common sense.

As to State legislation, we note a prodigious amount of waste and error in dealing with political and social questions. Institutions for the poor, the insane, the inebriates, the criminals, are constantly created at vast expense, yet often so placed and built and organized as to thwart their highest purposes. Laws for the repression of crime are often discussed with an utterly inadequate knowledge of principles, that in some other lands have been carefully settled; in questions of taxation, the settled experience and simplest reasonings and conclusions of thoughtful men in various nations often pass for nothing, and a spirit of anarchy results, only equalled by that of France just before the revolution of 1789; as regards pauperism, means are often taken similar to those which in England, over 300 years ago, began the creation of a permanently pauperized class; in dealing with education, codes are made and millions voted with no thorough discussion, and the relations of education to industry, the problem now occupying every other great nation of the earth, argued with far less care than the location of a canal bridge.

In county, town, and municipal bodies the same thing is hardly less glaring; almost every municipal abuse which Arthur Young found in France under Louis XVI., and which May found in England under George III., seems to find its counterpart somewhere in our own land and time. In one of the most enlightened counties of one of our most enlightened States, a body of excellent reputation and sound common sense has, at large expense, for years and years, kept up an institution, not merely for the punishment of old criminals, but for the development of new criminals; it has resisted, and is steadily resisting to-day, any movement to prevent the insti-

tution being what it has long been—a criminal high school, taking large numbers of novices and graduating them masters of criminal arts. And such institutions are to be found probably in every State in the Union.

This is not on account of want of integrity or capacity in the body concerned ; it is composed of men who manage their own affairs honestly and prudently ; but there is probably not one among them who has ever seen any discussion of the best modes of dealing with crime in civilized nations.

But let us leave the various constituted bodies and go among the people at large. In a republic like ours, the people are called on at the last to decide upon all fundamental questions ; on their decision rest the strength, the progress, nay, in many cases, the existence of the republic.

To any such proper discussion and adjustment of political and social questions by the people there are two conditions : first, there must be education of the mass of the citizens, at least up to a point where they can grasp simple political questions ; that is, up to the ability to read, to concentrate and exercise their reasoning powers on simple problems, and to know something of their own country and its relations to the world about it.

Such an education is given in the public schools of our country ; with such a basis, the first great element in the safety of the nation is reasonably secure. I am convinced that such an educated democracy is the best of all bodies to which general public questions can be submitted, and for this belief there is high authority where we might little expect it : the recent utterances of leading statesmen and thinkers in England regarding the submission of questions of fundamental policy to a fairly educated people, as compared with the submission of such questions simply to the most highly educated classes, are very striking ; the most thoughtful contemporary English statesman has declared that the judgment of the mass of the English voters on the leading political and social questions of the past fifty years has been far more just than that of the

most highly educated classes, and he brings to the support of this statement historical arguments which cannot be gainsaid.¹

As to this first condition, the general education of the people, we have made in most of our States large provision. I do not contend that our primary education is perfect; its imperfections are evident, but the people are awake to its importance, and show on all sides a desire to continue it; of course, demagogues here and there, seek to gain bits of special favor by attempting to undermine the system, but their tendencies are well-known, and are steadily becoming better known.

The second condition of the proper maintenance of the republic, is suitable instruction for the natural leaders rising from the mass. The rise of such leaders is inevitable; they are sure to appear in every sphere of political and social activity; they come from all classes, but mainly from the energetic, less-wealthy classes, from the classes disciplined to vigor and self-denial by poverty.

These are to influence the country in all executive, legislative and judicial positions; they are to act in the forum and through the press; nay, perhaps more strongly still, by stimulating that imitation which a recent writer has shown to be one of the most powerful factors in the development of nations to higher political and social life.²

For the development of these with reference to this leadership, for the training of their powers of observation and reasoning, for the giving of that historical knowledge of past failures which is the best guarantee for future success, there is at present in our higher education in the United States no adequate provision. The educational exhibits at the Expositions at Philadelphia, Paris, and New Orleans show that here and there, in a few of our higher institutions, beginnings have been made, and good beginnings; but such institutions are few; in most of them political economy is not taught save by

¹ See the articles of Mr. Gladstone in "The Nineteenth Century," 1877-78.

² See Walter Bagehot, "Physics and Politics."

a short course of recitations from a text-book ; in very few of them is there the slightest instruction, worthy of the name, in history—the very department which, in the European universities, is made to give a basis and a method for studies in political and social science.

The results of this defect in our higher education are constantly before us ; among these natural leaders in our country, whether in the public assemblies or the press, there is certainly no lack of talent, and even genius ; among the most striking characteristics of the country, as noticed by unprejudiced foreigners, is the great number of men of ability in every direction, and the power with which they are able to present their ideas to their fellow-citizens. But how is this power exercised ? With few exceptions, the presentation of political and social questions at public meetings is even less satisfactory than in our representative bodies ; the speakers generally have ability, but rarely have they studied the main questions involved ; what they know has been mainly gathered here and there at hap-hazard, from this magazine and that newspaper ; the result is natural ; instead of real argument, too often invective ; instead of illustration, buffoonery ; instead of any adequate examination of the history involved, personal defamation ; instead of investigation of social questions, appeals to prejudice.

It may be said that the cause of this lies in the natural tendency of democracy from the days of Cleon before the Athenian Assembly, to the gyrations of sundry politicians before certain American assemblies. This theory is easy and convenient, but any one much accustomed to public meetings in our country can see many reasons for disbelieving it ; an American assembly enjoys wit and humor keenly ; but there is one thing that it enjoys more, and that is the vigorous, thorough discussion of pressing political or social questions. The history of the past few years gives striking examples of this ; not long since several statesmen of very different views, but powerful and thoughtful, went before large pub-

lic meetings lamenting the fact that the questions discussed were questions of finance—the very dryest in political science; and yet those large audiences were held firmly from first to last by their interest in vigorous argument.

I am convinced that the difficulty is not in the want of popular appreciation of close argument, but rather in the frequent want among political leaders of adequate training for discussion.

The question now arises what this training in political and social science should be.

I answer first, that there should be close study of the political and social history of those peoples which have had the most important experience, and especially of our own; thus alone can the experience of the past be brought to bear upon the needs of the present; thus alone can we know the real defeats and triumphs of the past, so that we may avoid such defeats and secure such triumphs in the future.

In the next place, I would urge the teaching of political economy in its largest sense, not the mere dogmas of this or that school, but rather the comparative study of the general principles of the science as laid down by leading thinkers of various schools; and to this end, I would urge, the historical study of the science in its development, and in its progressive adaptation to the circumstances of various nations. Under this would come questions relating to national and State policy, industrial, commercial, financial, educational, to the relations of capital to labor, and producers to distributors, to taxation, and a multitude of similar objects.

Next, I would name the study of what is generally classed as social science, including what pertains to the causes, prevention, alleviation, and cure of pauperism, insanity, crime, and various social difficulties. Nor would I neglect the study of the most noted theories and plans for the amelioration of society, the arguments in their support, the causes of their failure; and I would also have careful investigation into the relations of various bodies and classes which now apparently

threaten each other. I would, for example, have the student examine the reasons why the communistic solution of the labor question has failed, and why the co-operative solution has succeeded.

As another subject of great importance, I would name the general principles of jurisprudence, and especially those principles which are more and more making their way in modern civilized nations. The advantage of this is evident; apart from the practical uses of such a study, who does not constantly feel in our general legislation too much of the attorney and too little of the jurist?

And in the study of general jurisprudence, I would urge the comparative and historical method. No country in the world affords so fine a field for such a method as our own. In all our States, political experiments are making; in all our legislatures, active-minded men are applying their solutions to the problems presented. The study of the comparative legislation of our own States, if supplemented by the study of the general legislation of other countries, could not fail to be of vast use in the improvement of society.

I would also have instruction given in the general principles of international law. In the development of this science lies much of happiness for the future of the world; but there is an important practical interest. Though the injunction of the Father of his Country to avoid entangling alliances has sunk deep into the American mind, there can be no doubt that before our country shall have attained a hundred millions of inhabitants, our diplomatic relations with other countries will require much more serious thought than now. It is not too soon to have this in view.

Happily, on all these subjects, and especially within the present century, a vast mass of precious experience and thought have been developed; many of the strongest men of the century have given their efforts to this; when Buckle says that Adam Smith, in his book, rendered to the world the greatest services that any one man has ever thus rendered, whether we

agree with him or not as to the claim of his hero, we can hardly disagree as to the importance of the subject. There is something inspiring in this succession of great thinkers in these departments who have as their object the amelioration of society. Even to take the most recent of them, a line beginning with Adam Smith and continuing in our day with such men as Sismondi, Say, Stuart Mill, Roscher, Lieber, Woolsey, Carey, and Wells, can hardly fail to afford matter for study and thought.

In the thinking of such men, in the practice of the world as influenced by them, there is much to be learned; and if our country is to move forward with steadiness, or, indeed, if it is to lead in any particular direction, its statesmen must be more and more grounded in this thinking and practice.

Something should also be done in what is known in the European universities as "the science of administration" and "administrative law." The comparative study of statistics would come in here as a most important element. There is probably no legislator in the land—there is certainly no earnest student—who would not be greatly profited by a course of lectures based upon the tabulated statements, the graphic representations, and the maps of the last census report, so ably superintended by Professor Walker.

The question now arises as to the possibility of establishing a better provision for this advanced instruction. I fully believe that circumstances are most propitious, and for the following reasons:

First. The tendencies of large numbers of active-minded young men favor it. No observing professor in any college has failed to note the love of young Americans for the study and discussion of political questions; it constantly happens that students who evade ordinary scholastic duties, will labor hard to prepare themselves for such a discussion. So strong is this tendency that college authorities have often taken measures to check it; these measures have to a certain extent succeeded, yet I cannot but think that it is far better to direct

such discussions than to check them. They seem to be a healthy outgrowth of our political life. Better, it seems to me, to send out one well-trained young man, sturdy in the town meeting, patriotic in the caucus, vigorous in the legislature, than a hundred of the gorgeous and gifted young cynics who lounge about city clubs, talk about "art" and "culture," and wonder why the country persists in going to the bad.

The second thing which augurs well for the promised reform, is the adaptability to it of our present university methods. Not many years since, it would have been almost impossible to make any adequate provision for these studies. Even in our foremost universities, the old collegiate system was dominant; each college had its single simple course, embracing a little Latin, Greek, and Mathematics, with a smattering of what were known as the physical, intellectual, and moral sciences.

At present the tendency is more and more toward *university* methods, toward the presentation of various courses, toward giving the student more freedom of choice among these. When carefully carried out, this has been found to yield admirable results; and the fact is now established that large numbers of young men, who under the old system confined rigidly to a single stereotyped course, would have wasted the greater part of their time, would have injured the quality of their minds by droning over their books, and injured their morals by slighting their duties, have become, when allowed to take courses more fitted to their tastes and aims, energetic students. The same reasons which have caused the creation of courses in our large universities, in which the principal studies are in the direction of philosophy, science, and modern literature, are valid for the creation of a course in which the studies shall relate to that science and literature most directly bearing upon public life.

I come now to the methods of such instruction, and would preface them by saying that, as regards our system of instruction at large in the public schools, it seems to me that more

instruction should be given in general history, especially through political biography and in the history of our own country, as well as some training in the outlines of elements of political science; but on this I will not dwell. We are chiefly concerned now with the methods of this reform in *advanced* instruction in the higher preparation of those who are to instruct and lead in political and social matters.

Of these methods, I would name, first, a post-graduate course. In this there is one considerable advantage: students would come to it at ripe age and with considerable preliminary instruction. This advantage I do not underrate. No better use of funds could be made for our universities, or for the country, than in endowing post-graduate lectureships and fellowships in the main subjects involved. I would urge this method upon every man of wealth who wishes to leave a fame that will not rot with his body.

But valuable as this plan is, it has one great disadvantage—it is insufficient. The number of those who could afford the time and expense for such a course after an extended school and college and university training, and before a course of professional study, is comparatively small; besides this, we must take into account American impatience.

While, then, the plan of post-graduate courses would doubtless result in great good, it would fall far short of the work required. It would doubtless provide many valuable leaders in thought, but not enough to exercise the wide influence needed in such a nation as ours.

The second method, then, which I propose is the establishment in each of our most important colleges and universities of a full undergraduate course, which, while including studies in science and literature for general culture and discipline, shall have as its main subjects history, political and social science, and general jurisprudence.

A great advantage of this plan is the large number of students who would certainly profit by it.

I am convinced, by observation in four different colleges

and universities with which I have been connected as student and professor in our own country, and in several with which I have had more or less to do in foreign countries, that such a course, in any institution properly equipped, will attract large numbers of our most energetic young men, many of whom would not otherwise enter college at all; and that it would give forth a large body of graduates whose influence would be felt for good in all our States and Territories.

My proposal is that these studies, which are now mainly crowded into a few last months of the usual college course, be made the staple of an entire four years' course; that they be made a means of discipline, a means of culture, a means for the acquisition of profitable knowledge.

Objections will of course be urged; there will probably be none from any quarter against a post-graduate course; they will be entirely against the establishment of a full undergraduate course.

The first objection will doubtless be an appeal to conservatism. This must be expected from a multitude of excellent men, who generally look backward instead of forward; who think the past was on the whole good enough; who dislike change; who, when they have become accustomed to a system and fitted to it, instinctively dislike a new system, to which they may possibly find themselves not so well fitted. Their standing argument will be that the men who have achieved high political knowledge in spite of the present system, have done so by means of it.

A second and more precise objection will be on the score of discipline. Perhaps no word has been so unfortunate in American instruction as this; it has been made the fortress of every educational absurdity. In this particular case, we may ask why are not studies of political and social questions fully equal to any others in giving discipline? They call out our intellectual powers in discussing problems of the deepest human import; they bring into play our higher moral powers in judging between plans of institutions and lines of conduct on the plane of right and duty.

I claim for the studies in the course proposed an especial value in discipline. Any worthy discussion in political economy and social science gives valuable discipline for concentration and directness of mind; any proper discussion in history gives a discipline for breadth of mind; and these two sorts of discipline are fully equal to any given in any other courses of instruction.

It may also be objected, by men devoted to the physical sciences, that the powers of observation should be trained. In answer to this, it is sufficient to point out many men who in political studies have gained as great quickness in observation as can be found in any class of scientific men. It is hard to see that the observing powers of Montesquieu and John Stuart Mill and Francis Lieber were not as highly trained as those of Cuvier and Huxley and Agassiz.

The next objection will probably be on the score of culture. In this objection I see no force, because it is perfectly possible to bring studies for culture into the course proposed; nay, it is indispensable to bring in studies of at least one or two languages of the great modern states or their masterpieces in literature and art; while as to that culture which comes from a knowledge of nature it will not be difficult to give good instruction in scientific methods and results.

Again, it may be urged that young men are not mature enough and not sufficiently instructed to take up such studies on entering college. I answer, that it is not proposed to admit young men to these courses without reasonable preparation, nor is it proposed during the first year of such a course to plunge the student into the most difficult parts of it. He will be brought to these gradually by preliminary studies, properly combined with the subjects having as their aim general discipline and culture. The same objection could be made with equal force against any scientific course or any course in philosophy.

But granting that the objection has some force, the question is not what is ideally the best course, it is simply what is the

best course possible ; and experience shows that only undergraduate courses of the sort proposed will give any great number of the well-trained men we require. Against these objections should be constantly kept in view the main advantage, which is, the large number of students who would certainly take such a course.

But objections will be made on more general grounds.

The first may be called the optimist objection, that the people can be intrusted to enlighten themselves, that they are directly interested, and that self-interest is a most powerful stimulus ; that the world has improved steadily, and will continue to do so. This is partly true. No one can deny that self-interest is a most powerful stimulus ; but the point is to give more of that education which shall enable men to find out where their real self-interest is.

As to the fact that the world has improved steadily, I do not deny it, but simply observe that it is a question of cost ; for few realize what a fearful price has been paid hitherto for the simplest advances in political and social science when achieved by the gradual growth of the popular mind. Take a few examples out of many.

Before England could learn what are to-day the simplest things in the proper adjustment of legislative and executive powers, the nation was dragged through a fearful civil war and through a long period of consequent demoralization : one king losing his head and another his crown. Before France, in the 17th century, could understand the simplest relations between her industrial policy and that of neighboring states ; before she could realize that workmen on one side of a frontier are not necessarily the enemies of those on the other side, but rather helpers and co-workers, she was dragged through a series of wars which brought her to utter ruin ; before, in the 18th century, she could learn what are now the axioms of political science applied to taxation, she had to go through a period of revolution, a period of anarchy, two periods of bankruptcy, two periods of des-

potism, with endless shedding of blood upon scaffolds and battle-fields and street-pavements. Before the world learned to accept the simplest modern axioms of toleration at the treaties of Passau and Westphalia, rivers of blood flowed through every great nation in Europe. Before the Prussian State could learn to allow political thinkers like Stein to work out the problem of her adjustment to modern ideas, she had to be crushed in battle, humbled in the dust by diplomacy, and to go through ten years of waste and war. Before the Austrian Empire could learn the principal relations of education to public policy, several generations had to be taught by military humiliations, and, among these Austerlitz, Magenta, and Sadowa. Before Italy could work out the problem of political unity, there came three hundred years of internal suffering; and possibly the future historian may point to a case hardly less striking on this side the Atlantic. Is it at least not worth an heroic effort to substitute a thorough education, reaching many of those who are to lead in public affairs, and so reaching the people themselves—an education in the observation of human experience and in reasoning upon it—in the hope that we may hereafter make progress at something less than the fearful price which the world has heretofore paid?

I confess that I am sanguine enough to hope that with more complete extension of political and social knowledge, with some training for better discussion of important political and social problems, the world may in the future begin to advance without paying the appalling cost for progress which she has paid and is still paying; but to bring this about, there must be effort; problems are arising at this moment before us as fearful as any that have ever disappeared behind us; the question between capital and labor alone is enough to exercise our best thought; it can easily give rise to scenes as fearful as any in human history. The question is whether such problems shall be solved by observant, patient, well-trained men, looking over large fields of human experience,

applying to them the best human thought, or whether they shall be dealt with by declamation, passion, demagogism, trickery, nay, with the torch, the rifle, and the gallows.

Next comes the pessimist argument ; it will be said "the greatest factor in republican development is personal force ; the people will elect men of will-power, they will not elect your men of study and thought."

My answer is, first, that the effort in our proposed course is to lay hold on some of these men of personal force and will power, to bring them into the harness of real statesmanship rather than to leave them tethered by crotchets and half-truths.

But suppose all our men of study and thought are not elected, official positions are not the only means of influence ; pen and tongue are often most powerful outside of official positions.

What we want is training for public service among men of various sorts of power ; some in office, some in the press, some in the pulpit, some in the ordinary vocations of life.

In all these, we need men so trained that when a new question comes up, not only law-makers, but citizens in general, may be put in the way of right reasoning upon it ; especially in times of excitement, or doubt, or distrust, do we need such men to lead the thinking of the community against political zealots or social desperadoes.

The time is surely coming, predicted in Macaulay's letter to Henry Randall—the time when disheartened populations will hear brilliant preaching subversive of the whole system of social order.

How shall this be met ? Shall it be met by force ? How by force where all is decided by majorities ? Shall it be met by denunciation ? Hardly ; two can play at that, and while one side has the disadvantage of property to be destroyed, the other has the advantage of torches with which to destroy it. Shall it be met by revolution ? As Danton said, "The revolution, like Saturn, destroys its own offspring." Shall it be

met by Cæsarism? The first thing that Cæsar always does is to distribute bread and pageants to the mob, and rob the people to pay for them.

All these methods history shows to be futile; the only safeguard is in thorough provision for a regular, healthful, political development by the checking of popular unreason, and by the spreading of right reason; we must provide that when a brilliant lie is put forth, it shall be struck quickly and mortally, and before its venom has pervaded the social organism.

To do this we need men trained to grapple with political questions in every part of society. Shall we flatter ourselves that such gladiators in subversive thought as Proudhon, Carl Marx, Ferdinand Lasalle, and Bradlaugh can be met with platitudes? In the coming grapple with their apostles we shall find need of our best trained athletes. Can we trust to the subdivision of land in our country and the large number of small proprietors? So has it been in France for eighty years, and yet she has not escaped.

What we need is not talk, but discussion. Within the past few years we have seen the uses of such discussion; many of us have seen political and social heresies, some wild, some contemptible, put forth with force, with brilliancy, even at times with sincerity; in some quarters they have swept all before them; but wherever they have been met vigorously by men trained to grapple with them, they have been throttled, and the tide running in their favor has generally been turned.

If it be said that this has not constantly been the case, my reply is, that under our present system, we have no right to expect it; we cannot expect two or three men to breast the tide in a State containing millions of inhabitants, when such mistaken views are spreading like wild-fire; and yet, what has been done in some of our States by two or three men of force and thought, shows that if a small percentage of our college graduates had been as thoroughly instructed as these two or three, these heresies would have been met at the outset, and would never have attained dangerous proportions.

It may be objected that such a system of instruction would give us doctrinaires. Those who make this objection misread history ; doctrinaires are created where theoretical politics are divorced from vigorous political life, where practical training and theoretical training are not at the same time present to modify each other. The French doctrinaires arose at a time when there was political discussion among a small knot of scholars, but no practical political life in the nation at large ; the same thing was true until recently in Germany, and it has been true in Italy from the days of Machiavelli to the days of Cavour ; it is true to-day in Russia ; hence Nihilism, with all its miseries ; but we look in vain for any perceptible influence of doctrinairism in England ; there, political theory has never run away with leaders ; it has been constantly modified by political practice. Edmund Burke was a close student of principles and theories, but who that has read his speech on American conciliation does not see that he justly claims to be a more practical statesman than any of his compeers, who trusted merely to instinct and what is called sound sense ? Had Thomas Jefferson remained in France, he would doubtless have been a doctrinaire ; as it was, we have in him a wonderful union of theoretical and practical training—Rousseau modified by the Virginia house of burgesses. The strength of the great men who gave this Republic its political foundation lay in the fact that no practical men ever studied theory and principles more thoroughly than they ; Jefferson, Hamilton, John Adams, Jay, were close students of political principles and political history ; Franklin and Washington, acute students of contemporary political history.

Besides this, the doctrinaires are by no means all on the theoretical side ; there are not a few on the practical side. Our American life furnishes constant examples of this doctrinairism of practical men, quite as absurd as anything put forth by men of theory.

Moreover, in the system of instruction proposed, I would take effective means of preventing pedantry and doctrinairism

by bringing in a constant circulation of healthful political thought from the outside. Much instruction should be given by lecturers holding their positions for short terms; these lecturers should be chosen, so far as possible, from men who take part in public life or business affairs practically, while not giving up the study of principles. The example cited in the first part of this report from European institutions will show that this plan is by no means impracticable.

Such will doubtless be the main objections to the plan proposed; they have been made in opposition to the same system in other countries, but the result has refuted them. As to the influence of a better system on this country, we should doubtless find it exercised first through the press. For the past ten years there has been a striking tendency observable among our most active young men toward the profession of journalism. The difference of feeling regarding such a career between the great body of students to-day and those of twenty years since is one of the curious things in the history of thought in this country.

The press would doubtless reveal the influence of this new education in quick, compact, thorough discussion of important subjects; it is not too much to hope that there would be much less declamation, defamation, and sensation writing, and much more vigorous reasoning.

We should doubtless next see this influence in the lower strata of public life. The young man who, on arriving from college and from his professional course, could supply really valuable information and make a straightforward argument upon living political and social questions in his town-meeting or board of supervisors, would take the first step in an honorable career. The character of our people is especially favorable to this; no people in the world so quickly recognize a man who can stimulate valuable thought; no country is so open to the influence of facts cogently presented. Even if men thus trained arrive sometimes at wrong conclusions, as doubtless they would, the habit of discussing questions with a

more thorough knowledge and with closer reasoning could not fail to be of vast use ; it would be found that political science, like other sciences, may be made to progress almost as much by mistaken reasoning, if it only be real, as by correct reasoning. Quesnay, Turgot, and the French physiocrats, by their errors as well as by their truths, stimulated Adam Smith, Ricardo, John Stuart Mill, and the English economists, and these in their turn, by their half truths as well as truths, stimulated List, Carey, Roscher, Wells, and the German and the American economists ; the only thing that permanently hinders the growth of any science is dogmatism—the substitution of inherited opinions for thought, of accustomed inferences for real observation. Real thinking, however wrong some of its conclusions may have been temporarily, has always helped mankind in the long run.

Next, we should doubtless see the influence of such courses of instruction upon the legislative bodies of all grades ; even our strong untutored men—men who rise by virtue of rough, uncultured native force and will-power—would feel strongly the influence of this instruction, even though they never came under it directly ; better observations, better modes of thinking, better ideas would become common property ; they would become an element in the political atmosphere, and the rude statesman of the future could not but feel its influence ; thereby would he be stimulated to think more and orate less.

Nor should we forget the influence of such instruction upon the universities themselves ; it would make them far greater powers in the formation of public opinion, therefore of far greater importance in public estimation. The present state of things is certainly not very encouraging to university officers ; they know too well that their graduates have not taken that place in the conduct of public affairs which their education would seem to warrant ; young men who have received so much greater advantages than others should, one would think, exercise much greater influence.

Unfortunately, statistics carefully collected show that the

relative number of college graduates in the executive and legislative positions of the country has been diminishing for many years. The main reason for this, is probably, that the majority of college students, under the present system, while obtaining their education, have been separated from the current of practical politics, and have not secured, to compensate for this separation, any education in theoretical politics; during four years in college, as well as four or five years' preparation for college, they have been studying matters often useful for culture, often important for discipline; but all this, so far as public influence is concerned, leaves them frequently at the first public meeting they attend, or the first public body in which they sit, inferior to many who have never enjoyed their advantages.

We have heard much of our educated men keeping aloof from politics; the examples of the older nations would lead us to believe that were scholarly young men trained steadily in political questions from the outset, they would enter public life at such an advantage that this charge would be brought to naught.

The good results of such courses as are now proposed would doubtless be speedily seen then, not only in the nation at large, but in the universities adopting them; such institutions could hardly fail to find their numbers increased; many young men, who do not go to college now, but who on leaving preparatory schools enter at once upon professional study, would think it worth their while to take a course embracing studies for which they have a taste, and fitting themselves for duties for which they have an ambition.

From every point of view, then, in the interest of individual students, many of whom would find scope for their powers, which they do not find in the existing courses, in the interests of the universities themselves, which might attract to their halls numbers of energetic young men, who now stand aloof from them; and above all, in the interest of State and national legislation—the example of our sister nations in establishing such courses is one which merits our close attention.

In looking over the whole field of education in the light of our own experience and that of other nations, I see no better object for the earnest efforts of those called upon to administer our greater institutions for advanced education. I am well aware that few, if any, have means enough, even for the present courses; it is then a case for the exercise of American munificence; here there is reason to hope for much. In the Old World, with its systems of primogeniture and its means of entailing fortunes, men of great wealth can found families and hand their property down to remote generations. So it is not in our own land; the great fortune of the first generation rarely lasts farther than the third. While, then, some reason exists there for hoarding enormous sums for heirs, here there is none, and to this fact are doubtless due many acts of munificence which have honored the American name, and blessed the country. Let us hope that it will not be the ambition of our wealthy men to become the fatty tumors of society—abnormal growths—accumulating fortunes which are at best, only to be reabsorbed into the ordinary business channels; but that they will see the duty and the honor lying before them; that in making provision for the higher education of their fellow-citizens, and especially in those branches which insure better government and a higher type of citizenship, they will rear to themselves monuments more lasting than statues of bronze or obelisks of granite; on such imperishable monuments already stand the names of Harvard, Yale, Smithson, Peabody, Cooper, Packer, Johns Hopkins, Cornell, Vassar, Sage, Wells, McGraw, Sibley, and their noble competitors. Let us hope that worthy successors of these may arise to provide, upon the foundations already laid by our stronger universities and colleges, means for an instruction worthy of our land, in history, political and social science, and general jurisprudence—in all that directly fits and strengthens men to advance the nation by taking part in public affairs.

MODERN HISTORY AT OXFORD.

The following chapter, by Mr. W. J. Ashley, M. A., Fellow and Tutor of Lincoln College at Oxford, written for that interesting and instructive volume on "Oxford: Its Life and Schools,"¹ edited by A. M. M. Stedman, M. A., of Wadham College, assisted by members of the University of Oxford, is reprinted in this connection for the sake of showing the present status of history and political science in that institution. The chapter admirably complements the earlier notes and observations of Professor Paul Fredericq, of the University of Ghent, upon the Study of History in England and Scotland, recently published as No. 10, of our Fifth Series.

"The Honour School of Modern History has itself a history which covers some four-and-thirty years. A School of 'Law and Modern History' was one of the results of that reforming movement which led to the first University Commission. For twenty years these subjects were yoked together, until in 1872 two independent Schools were established; while the present regulations came into force as lately as 1886. In spite of

¹ Oxford: Its Life and Schools. London: George Bell and Sons, York Street, Covent Garden, 1887. This convenient and readable book of 359 pages will prove serviceable to students of English educational history. The work contains a brief historical sketch of the University of Oxford and of its various colleges. Student expenses at Oxford; its social, intellectual, and religious life; its system of examinations; its pass schools and various departments of study are all concisely described. There are also interesting accounts of Women's Education at Oxford and of the novel system of University Extension, recently mentioned in the *Studies*, No. 11, Fifth Series.

many difficulties, to which it were not surprising had the School succumbed, it has steadily grown in importance. The work has become more thorough, the teaching better organized, the examination standard higher; and now the study of Modern History excites so keen an interest and gives an intellectual stimulus to so many that it must be reckoned one of the most powerful forces in Oxford life.

"Before speaking of the considerations which may lead a man to choose this particular School, let us see what work it sets before him. In the first place, he is required to study the outlines of the whole of English History, both political and constitutional; then, secondly, he is to give special attention to a 'Period' of both English and Foreign History,—thus, should he select the Period of Foreign History from 1414 to 1610, he must take the Period of English History from 1399 to 1603. He will, in addition, be examined in Political Science, and in Economic History and Theory. And, finally, those who aim at a good class are required to offer also a Special Subject, with certain specified 'original authorities.'

"Now the first and most difficult point to be settled by the man who begins to read Modern History is, which Period he shall 'take.' The Periods are, roughly, as follows: (1) from the fifth to the eleventh century; (2) the ninth to the thirteenth; (3) the thirteenth to the fifteenth; (4) the fifteenth and sixteenth; (5) the seventeenth; (6) the eighteenth; (7) from the middle of last century to the middle of this. The selection will of course be determined largely by individual preferences; one man may wish to examine mediæval society, another the great changes accompanying the Renaissance and Reformation, while a third may be more interested in the politics of the age immediately preceding our own: but with most the choice will be also influenced by regard to the Special Subjects. Of these six are mentioned in the regulations, viz., Hildebrand, the first three Crusades, Italy (1492–1513), the Great Rebellion (1638–1649), the French Revolution (1789–1795), and India (1773–1805); and although Candidates are

permitted to offer other subjects, after giving due notice and obtaining the approval of the Board of Faculty, the fact that only in these six are they likely to obtain assistance from tutors and lectures is practically sure to restrict them to those suggested. It will clearly be wise to choose such a Period and such a Special Subject that the latter may fall within the former. With some men it will be the General Period that will determine the Special Subject, but with most the reverse will be the case. Let us assume, then, that the first point to be decided is, which Special Subject to study. Each has its own interest and attraction. The first will give some insight into the character and work of the mediæval Church, and its relations to the Empire and the secular power; the second shows Christendom and Mahometanism in conflict; the third, the Renaissance and the death of the Italian Republics; the fourth, the struggle between Charles and the English Parliament; the fifth, the overthrow of the *ancien régime* in France; the sixth, the creation of our Indian Empire. In the first and the second, again, the original authorities with which the student will have to deal are in Latin, those for the third in French and Italian, for the fifth in French only, and for the fourth and sixth in English only.

“One more alternative is presented. A candidate, instead of choosing a historical Special Subject, may offer himself to be examined in the History of the Law of Real Property, and in this case he will not be influenced by his Special Subject in the choice of a Period. ‘Real Property’ has the advantage of lying in a comparatively narrow compass; and this may induce those to take it up who shrink from handling the masses of original authorities which the other special subjects put before them. Men interested in modern land-questions may feel themselves drawn to the ‘Real Property’ as likely to be of practical value; while those who intend to become barristers or solicitors may see in it a convenient introduction to their more strictly professional studies. On the other hand the subject is very technical, and but loosely connected with

the other work of the School ; and it certainly seems unwise for a man who has gained a general knowledge of a Period not to try to add to it that insight into character, that training of judgment and sympathy to which the detailed study of a historical Special Subject may help him.

“ We will suppose then that, having considered the relation of Special Subject to General Period, a man has made up his mind which Subject and Period he will take. And matters have not been unduly anticipated, in thus first directing attention to the General Period and the Foreign History ; for, although tutorial help on the Foreign History is usually deferred until the third term or even the second year of reading, it is necessary to attend lectures upon it from the first, if the ground is to be covered in the time. Supposing a man to know something of general English History, and to have two years before him, he may do well to assign his time thus,—the first long vacation and the two following terms to English Constitutional and Political History ; the next term, long vacation, and another term, to the General Period, English and Foreign, a term to the Special Subject, and the last term to Political Science and Economic History.

“ English Constitutional History is the backbone of the School : around it may be grouped all that it is really necessary to know of what is oddly called ‘ Political ’ History ; and it gives a strength and dignity to the School which it might otherwise lack. But Constitutional History means the study of Stubbs and Hallam,—books which appal the beginner, and of which the former will, not improbably, somewhat bewilder him. The student, when he plunges into it, seems to enter a forest of *gesiths* and *gemots*, of *assizes* and *justiciars*, of *tenths* and *fifteenthths*, where the paths all run into another, and lead nowhither. And, therefore, it may be found more profitable for him, before attacking his Stubbs and Hallam, to go through a little preliminary course of reading ; so that when he comes to the greater works he may understand what sort of questions he has to deal with, what are the points at issue,

‘what it is all driving at.’ Let him therefore commence with Professor Freeman’s ‘Growth of the English Constitution;’ then let him look at the working of our political institutions to-day, as explained, for instance, in the chapters on the Cabinet and the House of Commons in Bagehot’s ‘English Constitution,’ and in the first two lectures of Professor Dicey’s ‘Law of the Constitution.’ Then, turning back, let him carefully analyse the ‘Introduction’ to Stubbs’ ‘Select Charters,’ where every word is worthy of letters of gold. And now he will be in a fit state to open the Bishop of Chester’s great work, with some confidence in his power to see the significance of its statements and generalizations.

“It would be impossible here to go through the list of General Periods and Special Subjects, and give suggestions on each of them. But something perhaps may be said of what is meant by Political Science and Economic History. The Political Science paper differs from the rest, in that it is not set upon a certain limited subject-matter, though, indeed, definite books are mentioned. It is expected that, whatever Period a man studies, his work will make him think of the political principles for which men then strove, and their relation to the principles of to-day, of the strength and action of political forces then and now; and that he will come to the reading of the prescribed books with some knowledge of the significance of the subjects of which they treat.

“The authors chosen are Aristotle, Hobbes, Maine, and Bluntschli, and it may be well to explain why these have been selected. Aristotle’s ‘Politics’ is by far the most important of all writings on Political Philosophy. It is the first systematic treatise dealing with the great questions of social organization, and it has permanently affected the language of political theory. But it is of special value to the student of History. For it gives the theory of the ancient state, and by the very contrasts which it suggests, above all by its limitations and omissions, helps us to see wherein the mediæval and modern world alike differ from the ancient.

"Yet the mediæval world has this in common with the ancient, that in both the interests of the individual were held to be subordinate to the interests of the State. But in the sixteenth century another conception of the State began to influence men, one which regarded individuals as having certain rights independent of any social union, and as having created the State for certain limited objects. This theory that the State originated in, or rested on, a contract between individuals, underlay, in the shape given to it by Locke, the Whig doctrine of parliamentary sovereignty; and, as taught by Rousseau, was held to justify the claim to rebellion as a right. But it was Hobbes who first consistently and powerfully worked out the theory; and it can be all the more calmly considered on its own merits when it is presented by Hobbes as a support to authority, and not as a weapon against it.

"Maine's 'Ancient Law' is also in its measure a typical and representative work; for it marks the beginning in England of the application of the 'historical method' to political and social institutions. The history of the growth of an institution does not always explain its value; but it may at any rate show that many an idea which we are accustomed to regard as necessary and self-explanatory, is itself the result of a long development. And, finally, the student is directed to Bluntschli's 'Theory of the State,' as a useful book of reference;

"Men are, however, usually more afraid of the Political Economy paper than of that on Political Science. The regulations set forth that they 'will be examined in Mill's Political Economy,' and 'will also be required to show an adequate knowledge of Economic History.' But if they plunge into Mill they find the greater part of his book extremely difficult, and, what is more important, out of relation to the rest of their reading. Besides, they can scarcely fail to learn that Mill's conclusions have been largely modified by subsequent economists, and they will naturally ask, whether they are expected to follow the discussions through the writings of

Jevons and Cairnes and Sidgwick. On the other hand, Economic History is by itself a wide subject, and a subject for which there are no good text-books. The fact is that a great change is coming over the character of economic teaching in England, and the regulations of the History School are probably only transitional. For the present most investigators of Economic History would agree in thus defining their attitude toward orthodox Economics: they do not deny that the teaching of Ricardo and Mill is a logical construction upon given assumptions, nor that these assumptions are in a large measure true of certain important sides of modern industrial life, but they assert that these assumptions were certainly not at all true until very recent times. And, therefore, they urge, the so-called 'principles' of Political Economy are, at any rate, not universally true for all times and places, and, in consequence, contribute scarcely at all to the understanding of the economic life of the past. For this it is necessary to study economic institutions in the light of the ideas of the time, and to examine those ideas, not in relation to modern conditions which did not then exist, but in relation to the conditions amid which they rose. What, therefore, is desired in the History School is probably this, that men should gain some sort of acquaintance with the chief features of the development of English Industry, Agriculture and Commerce, and with the ideas influencing and underlying it; and therefore, that they should also know the chief doctrines of modern economists, without which the social history of the last hundred years is scarcely intelligible. But it is to Economic History rather than to modern Theory that attention is chiefly to be directed. The following reading may be suggested,

"Cunningham, 'English Industry and Commerce,' Book I., chaps. i., ii.; Books II., III., IV.; Rogers, 'Work and Wages,' chaps. ii.-vi., viii.-xii., xiv.-xx.; Toynbee, 'Industrial Revolution of 18th Century,' lectures ii.-v., vii.-x. The last-named writer's essay on 'Ricardo and the old Political Economy,' will explain the assumptions common to Mill and

all the great English Economists. Then it will save time and trouble to run rapidly through some short treatise, such as Jevons' 'Primer,' so as to gain familiarity with modern terms. After this one may address oneself to Mill, and read with especial care, Book I., chaps. x.-xii. ; Book II., chaps. vi.-xvi. ; Book III., chaps. i.-iv., x., xiii., xvii., xxiv. ; Book IV., chap. vii. ; Book V., chaps. ii.-iv., vii., xi.

"As to the reading necessary for the Periods and Special Subjects, reference should be made to the lists of books in the Examination Statutes, and it would be scarcely possible to make here any detailed suggestions. But some words as to the general character of the work may not be out of place.

"The work is of three kinds : attendance at lectures, reading, essay-writing. And in the History School, essay-writing has become the usual way of 'doing work for one's tutor.' Men are advised at the beginning of the term to give special attention to some particular Period, certain books are suggested, and 'subjects' falling within their reading are 'set' for essays. Now, why has this particular method been adopted?

"For boys at school there is probably no better way of teaching than to cause them to learn the main facts in such a way that they can remember them. But in the study of History in the University the learning of bare facts is the smallest, and in a sense the least important, part of the work. By going to the usual authorities, any tolerably industrious man can readily find a sufficient number of facts,—of dates and events. What he really wants to know is the meaning of these facts, what stages they mark in the growth of such and such an institution, what policy they show in the action of a particular statesman, what contrasts they suggest between different ages and nations. And essay-writing seems the best way to develop this habit of looking for causes and effects. Let the student first quietly read the necessary authorities upon the subject, making as he does so a rough abstract of what they contain ; then let him jot down his ideas, in some dozen words, and make up his mind what his line of argument is going to be,

what he is going to say first and next, and how he is going to end; and then, *when he sees to the end* of what he is going to say, and not before, let him begin. The salvation of an essay is 'point.'

"Now of course this, like all other conceivable methods, has its risks. It dangerously encourages fine writing; it may make a man undervalue reading and investigation in comparison with facility in constructing neat arguments. Yet, under the criticism of a tutor, it is the best way of making the reading for the History School a really valuable mental discipline. For, as Professor Seeley has so admirably said, 'in History everything depends on turning narrative into problems. So long as you think of History as a mere chronological narrative, so long you are in the old literary groove which leads to no trustworthy knowledge, but only to that pompous conventional romancing, of which all serious men are tired. Break the drowsy spell of narrative; ask yourself questions; set yourself problems; your mind will at once take up a new attitude; you will cease to be solemn and begin to be serious.'

"Nor is it as unnecessary as it ought to be to insist on the importance of impartiality. No such opportunity will ever come again of forming right judgments, and it were a pity to lose all the benefit that could be gained, because of previously created bias. This does not mean that a man is to get rid of all his opinions beforehand, or that he should not hope to retain those he has. He may fairly think Strafford a hero, and Cromwell a hypocrite, or Cromwell a saviour of liberty, and Strafford a tool of despotism; and he may fairly hope that the result of his reading will be to confirm him in these opinions. But this need not cause him always to take for granted that the one was wrong or the other right. Let him try to be scrupulously fair, and to think how the matter presented itself to the actor himself.

"What is necessary in dealing with individuals is still more necessary in dealing with institutions. Be ready to recognize that a great organization had *some* value for its own

time. It will be a great help towards clearness of perception if question-begging terms are scrupulously avoided ; thus, even if a man thinks that the mediæval papacy was a curse to the world, he will not be giving up any principle if he speaks of its 'claims,' instead of its 'pretensions.'

"Perhaps, at this point, we are in a position to answer the question : Why should a man read for the History School ? Because, in the first place, it is in many cases a peculiarly valuable preparation for after life. Suppose, for instance, that a man intends to take Holy Orders. Theology is a study which, more than any other, requires a combination of powers, —the power to understand and sympathize with high feeling and emotion, the power on the other hand of estimating at its true value the 'practical side' of life. And in each direction, History will help him. It will give him, moreover, a wider horizon ; he will learn something of the relation of the Church to Society and the State ; he will see how men, in other times and conditions, have dealt with the problems with which he also has to deal.

"Or again, suppose he intends to enter 'business.' There is no danger so great to the business man as the danger of being immersed in the present, of caring only for the immediate circumstances of the immediate occupation. For such a man it will be a great safeguard to have made acquaintance with other motives and forces than those which he is likely to meet in business, to be able to appreciate forms of society very different from those in which he is placed, to understand how much the world has changed in the past, and, therefore, how much it may change in the future.

"Again, does not the History School offer an excellent training for the politician or journalist ? The business of politics is becoming increasingly difficult ; it demands, above all, knowledge and seriousness. Only by studying the past can the necessary knowledge be gained, and nothing is so likely to impress a man with the tremendous importance of the issues which the pettinesses of party warfare conceal.

“But the History School would not be so highly valued as it deserves, were it only regarded as suitable to men who look forward to certain particular professions. Of course, like any other mental discipline, it teaches industry and method; but its peculiar value lies rather in the training of the *judgment*. It may make us discover the good in some cause or movement which yet we may feel it our duty to oppose; may make us see the long past causes of present evils, and the far future results of action now lightly begun; and it may encourage the habit of suspension of judgment till the judgment has sufficient materials to build upon.”

RECENT IMPRESSIONS OF THE ÉCOLE LIBRE.

The following letter, addressed to the Editor by one of his advanced students, Mr. T. K. Worthington,¹ who, after pursuing the three years' graduate course in history and politics at the Johns Hopkins University, went to Paris upon a university appointment for further study in historical and political science before taking his Doctor's degree in Baltimore. This communication, of course, embodies only first impressions; but they are altogether favorable to the Parisian School of Politics, and supplement President White's earlier observations. They are, moreover, confirmed by impressions communicated orally to the Editor by Dr. Frederic A. Bancroft, a graduate of the Columbia College School of Political Science, who has studied at the École Libre des Sciences Politiques for a considerable period, as well as in Berlin and at Freiburg with Dr. H. von Holst. While deeply and gratefully appreciating the advantages of graduate study at German universities, the Editor strongly believes that many of his countrymen make a serious mistake in not spending at least a portion of their graduate study in Europe in one of the schools of Paris. In form and methods of presentation, in lucidity of style and logical directness of statement, in the adaptation of scientific means to practical

¹ Mr. Worthington is the author of the *Historical Sketch of the Finances of Pennsylvania*, published by the American Economic Association, vol. II. No. 2. 85 pp., 1887.

ends, the French are good masters, and in the substance of historical and political knowledge they are richer to-day than ever before. Men who can afford to do so ought to combine the best that France, Germany, England and America have to teach in the line of methods and special literature in their chosen branches of history and politics, and to make the resultant culture connect with the academic, civic, economic or political needs of our own country. The whole weight of college and university influence in America ought to be thrown into higher education in history and politics for the sake of promoting good citizenship, elevating public opinion, and improving American administration—local, State and national.

PARIS, *December 1, 1887.*

Your letter of November 3, asking me to give you my impressions of the advantages which Paris offers as regards instruction in Political Science, has been received and duly considered. It is impossible so early in the academic year to commit myself to anything more than first impressions, but to these you are more than welcome.

The lectures at the *École Libre des Sciences Politiques* began on the 14th of November, but no other courses of any importance will be open until the middle of December. If one may judge from the official programmes there are a great many opportunities to hear valuable and interesting lectures on subjects directly and indirectly connected with political science. As soon as I was comfortably settled in lodgings, I procured M. Fourneau's "*Programme des Cours publics de Paris*" and "*Le Livret de l'Étudiant de Paris*," from which, with the programme of the *École Libre*, may be gathered exact information as regards all the courses to be given during the coming year.

Leaving the *École Libre* out of consideration for a moment, I shall attempt to give a brief account of the announcements so far as they have been made up to the present time. The *Faculté de Droit*, the *Faculté des Lettres*, the *École pratique*

des Hautes Études, the Collège de France, the Institut National Agronomique, the École des Ponts et Chaussées, the Conservatoire National des Arts et Métiers, the École Nationale des Chartes, and the École d'Anthropologie, have announced twenty-three courses (thirty-seven hours a week) on subjects which may fairly be covered by the term "Political Science." This seems to afford a large field for selection, but it is one which is soon limited by close inspection. The courses at the technical schools consist mostly of elementary lectures on political economy. At such institutions as the École National Agronomique, the École des Ponts et Chaussées, and the Conservatoire National des Arts et Métiers, the courses are almost entirely supplementary to some particular phase of technology. At the last named the second year of study is devoted to Diplomacy, History of Political Institutions, and Administration, the Sources of French History, and the Classification of Archives: one lecture a week on each subject. None of the above-named schools would be of much value to the general student of political science. The courses in law, on the other hand, are too special for the average American, unless he wishes to go deeply into the study of Roman Law. In this case the advantages are very great. Fifty lectures a week will be given by the Faculté de Droit, most of which are closely connected with the study of Roman Law. At the École pratique des Hautes Études there will not be a single course this year in political science. There is a course of one hour a week at the École d'Anthropologie on the History of Civilization, which might prove interesting. In the programme of the Faculté des Lettres I came upon a welcome announcement: M. Fustel de Coulanges is booked for two hours a week on the Institutional History of the Middle Ages. As the course does not open for two weeks I am compelled to postpone my impressions of M. de Coulanges as a lecturer. M. Pignonneau is down for a course of two hours a week on the History of French Diplomacy under Richelieu. M. Pignonneau is lec-

turing with great success at the École Libre, on the Diplomatic History of Europe from 1648 to 1789. He is followed by about 90 auditors. There is also a lecture once a week by M. Lavissee on the History of the Prussian State from 1648 to 1815.

At the College de France, M. Paul Leroy-Beaulieu will give two hours a week on Political Economy; M. Flach, two a week on the History of Comparative Legislation; M. Joly, two a week on the Law of Nature, and the Law of Nations; M. Levasseur, one a week on Historical Geography and Economic Statistics. It appears, therefore, that the choice lies between the College de France, and the Faculté des Lettres. Whatever I do this winter, I expect to hear MM. Fustel de Coulanges and Leroy-Beaulieu.

You are doubtless anxious to hear something about the École Libre des Sciences Politiques. As you know, it is an institution whose aim it is to give advanced and special instruction in political science. That it meets a need in the community may be emphasized by the statement that it was founded in 1871, and that it opens the present academic year with about 500 students on the rolls. It is very difficult to get information as regards the number of students, the number of books in the library, the financial situation of the institution, and such matters, which are more freely discussed in America. Before going any further, I should like to give you a brief account of the origin of the school.

The École Libre is the result of private enterprise. It is a joint stock company with a moderate amount of capital, all of which is paid up. The institution was founded in 1871, and the first courses were opened January 10, 1872—a red-letter day in the history of practical education. At the start, the resources of the school were exceedingly moderate. Scarcely fifty shares of the stock had been taken. The only resources were several thousand francs, collected by the director of the school, as endowments for certain chairs, and various amounts advanced by the *comité de fondation*.

The founders of this great institution, when they trace its history back to 1871, realize the magnitude of the task which they had set before them. They had very small means, they were at the mercy of the government, inexperienced, with a hostile public to oppose them. No one believed that they could succeed in an undertaking which seemed to need all the power of the state to back it, or that they could keep aloof from the strife of political parties. Such an experiment, without doubt, needed the greatest caution. .

The school opened in very humble style. A single room was rented, in which five lecturers delivered each a course of twenty-five lectures. The first students were apathetic: they had "*la physionomie de simples curieux*." For the most part they took no notes. Success followed close upon the opening of the door of the humble lecture-room. MM. Janet and Levasseur gave the school a certain prestige. M. Sorel at once excited attention by his admirable lectures on diplomacy, and M. Paul Leroy-Beaulieu, already well known as a publicist, soon acquired an equal reputation as a lecturer on political economy and finance. In the selection of this staff, the directors were influenced by no party consideration whatever. This has been the key-note of the history of the institution: in this sense alone is it a "free school." Within five months after the first lecture was delivered, all the capital was subscribed, and the management was put in possession of a considerable fund. The field of action was at once enlarged, and in the fall of 1872 the school was moved to more commodious quarters in the rue Taranne.

The first plan of instruction was found to be defective in two ways. First (in M. Boutmy's own words), lectures which covered so much ground and were delivered "*du haut de la chaire*" could not embody much analysis of detail. They kept out of sight the method pursued by the professor in reaching his conclusion: his rules of criticism and research. "*L'Élève est transporté tout d'abord au point d'arrivée, il ne connaît rien de la route parcourue. Il n'est capable ni de*

la parcourir à son tour, ni de prendre exemple de ce qu'il a vu faire pour trouver sa voie dans des études du même genre." The directors recognized the advantages of the seminary-method.

Secondly, they found that, unless their institution had some object beyond the completion of a liberal education, they would be compelled to close their doors for want of students. They found that young Frenchmen were devoting less and less time to the interval between completing their collegiate studies and their entrance into business or professional life.

These considerations dictated the arrangement of the new plan. In the first place, the teaching force was increased and the ground which each lecturer covered was limited and better defined. In the second place, the *conférence* or *seminar* was introduced. The seminary system has been a great feature in the instruction of the *École Libre*. M. Boutmy defines the *conférence* as "an informal lecture, where the professor and students meet around the same table to handle documents (a budget, a file of diplomatic papers, or a statistical table—as the case may be), to comment upon texts, to study statistics, to discuss and settle points of difference, and to clear up all obscurities by means of their united efforts. The object of the *conférence* is not less important than that of the formal lecture. It is to exercise the understanding, to cultivate certain faculties which the *ex cathedra* instruction fails to develop, to give the student access to original sources and to teach their critical use." By referring to the programme of the *École Libre*, which I sent you some time ago, you may easily see how great a part the *conférence* plays in the course of instruction for the coming year. There are sixteen lectures and eleven *conférences* a week. In seven cases the *maître de conférences* holds a government office.

The *conférences* are divided according to subjects as follows:—Finance and financial administration, 4; diplomacy and diplomatic history, 2; international law, 1; money banking, etc., 1; colonial geography, 1; France in North Africa,

1. As I said above, it appeared at the beginning that if the school was to be a success it must have a practical end in view: the managers, accordingly organized the courses in such a way, that they might be able to offer candidates for certain branches of government service, a thorough preparation for the duties of their respective departments. It is to serve this end that practical administrators are chosen as *maîtres de conférences*. The candidates of the *École Libre* have always been the most successful in the state examinations. From 1876 to 1886, out of 60 men who passed the examinations for the *Conseil d'État*, 47 (78 per cent.) were prepared by the *École Libre*. Out of 46 who passed the examinations for the *Inspection des Finances*, during the same period, 41 (89 per cent.) were prepared by the *École Libre*. Since 1880, all the successful candidates in this department, were prepared by the school.

In the examinations for the *Cour des Comptes* held in 1879, 1882, 1884 and 1886, the men trained at the *École Libre* obtained sixteen places out of seventeen. During the last few years all candidates prepared by the school for the ministry of foreign affairs have been admitted to the highest places. In 1886, out of eleven candidates received into this department, nine, who stood highest, belonged to the *École Libre*.

These are the practical results. Each year witnesses some addition to the advantages offered to candidates for the State examinations. If time and space permitted, it would be interesting to trace the growth of the practical tendency by comparing the curriculum during the early years of the school with the announcements made for the coming year. The organization has changed somewhat since 1872. At that time the whole system of instruction was grouped under two sections: (1) Administration and Finance. (2) Diplomacy. In the programme for this year the courses are classified as follows: Diplomatic Section, Administrative Section, Economic and Financial Section, Colonial Section, General Sec-

tion, Public Law and History. These correspond to the following departments of the government service: Diplomacy, Conseil d'État, Administration, Inspection des Finances, Cour des Comptes and the Colonial Service. Such courses as do connect directly with these branches form a valuable preparation for business and commercial life, or "le couronnement naturel de toute éducation libérale." I know a Frenchman from the South who is taking the courses in finance, in order to prepare himself for a position in his father's bank.

The progress of the school may be illustrated by the increase in the number of students:

1871-72	.	.	.	.	.	.	.	89
1873-74	.	.	.	.	.	.	.	96
1874-75	.	.	.	.	.	.	.	150
1876-77	.	.	.	.	.	.	.	191
1878-79	.	.	.	.	.	.	.	222
1887-88	.	.	.	.	.	.	.	500

This is a remarkable record. Such an institution as this we must have some day in Baltimore or in our national capital. When the time comes to make the experiment, the experience of the École Libre will be invaluable.

Before closing this over-long communication, I must say a few words about the impressions gained from my short experience. The building occupied by the École Libre is at 27 Rue St. Guillaume, a few steps from the Boulevard St. Germain. It is about fifteen minutes' walk from the Place de la Concorde, and easily accessible by 'bus and tram. On entering the building you pass through a small ante-room, with the office of the *conciërge* on the left, and come into a large cloak-room. To the left of the cloak-room is a large room with a glass roof, where the men walk, smoke and talk between the lectures. At one end of the promenade is the lavatory, and at the other, across a passage, are the offices of the director and secretary. The amphitheatre is at the end of the passage, which also opens on the cloak-room. All the

lectures are delivered in the Salle de Cours, which is entered from the recreation hall. This room is furnished with eight baize-covered tables, each about a yard wide and seating ten men. The chairs around the walls accommodate twenty or thirty more. Sometimes the room is uncomfortably crowded and very hot, though the average attendance is about ninety. The lecturer's desk is at one end of the room on a platform. There are no windows but a glass roof, consequently there are no cross lights.

Up stairs, in the rear, are three library rooms containing, I should say, about 8,000 volumes. There are three library funds belonging: (1) to the school, (2) to the société d'Enseignement supérieur, (3) to the société de linguistique. In the second story front are two journal rooms containing about 100 foreign and French reviews and the daily papers. The building is exceedingly comfortable. A large addition is being erected which will give greatly increased accommodations.

The lectures are very formal. The professor is ushered into the hall by the *concièrge*, who conducts him with great ceremony to the platform, takes his hat and coat and retires. On the table is a small waiter holding a tumbler, a carafe of water and a bowl of sugar. From these ingredients the professor compounds a drink, which must be singularly unexciting, takes a sip thereof, and the lecture begins. To an American, accustomed to a less pretentious *début* on the part of his professor, the above performance gives an unexpressible sense of *éclat*. The lecturer and the auditors evidently consider the lecture to be the event of the day. Nearly all my lectures are at four o'clock in the afternoon. Professor and students, almost to a man, appear in high hat, black coat, and gloves. The happy possessor of an eye-glass sports it. All this is very pleasant, though it is objected to by some Americans as incompatible with good scholarship.

I had heard a great deal against French lectures. Those at the École Libre are open to little criticism. They are like the audience and the professor—formal, highly polished and

well got up. The lecturer has his subject thoroughly worked out. He knows exactly what part of the ground he will cover at each lecture, and we stay until he covers it, if it takes an hour and a half. Each lecture, as a rule, begins with a short review of the previous one, and ends with a brief résumé of the points just gone over. The greatest care is given to style and literary finish. So far from being sketchy and superficial, the lectures are sometimes overloaded with detail. The historical treatment of a subject is very full and closely connected.

Much stress should be laid on the difference in method between the formal lecture and the *conférence*. The extreme formality and solemnity of the *cours* marks the distinction. No time is lost in questions put to the lecturer and all discussion is reserved for the *conférence*. My greatest objection is that no bibliography is given by the lecturer. If I did not happen to have some knowledge of the books on finance and administration, I should be entirely in the dark as regards reading.

The men take very careful notes. I have seen a man's notes on one lecture amount to twelve closely-written pages. The charge of superficiality cannot be made against the lecturers at the *École Libre*. Superficiality is almost impossible. The professors, as a rule, are men of affairs—either practical administrators or prominent in politics. They are forced, by their training and by the plan of the institution, to be thorough. The administrative and financial sections employ five lecturers. Four of them hold positions under the government. Many of the faculty embody what I have always thought to be a charming combination—the scholar and the man of the world.

I said that the lectures were not superficial. I must make an exception. When the lecturer comes to treat of the United States, he is apt to give an American a bad impression of his scholarship. In certain cases, where the syllabus led me to expect an interesting comparative or historical study of Eng-

lish or American institutions, I met with grievous disappointments. The remarks made on such occasions were generally absurd, and threw no light on the matter under discussion. At first, ignorance of America on the part of European scholars distressed me a great deal. Last year, at Oxford, Professor Dicey was pointed out to me by a lecturer on constitutional history as a curiosity—almost a monstrosity—because he was the only man in Oxford who knew anything about the Constitution of the United States.

If anyone should ask me whether it would be profitable for an American to spend a portion of his period of Continental study in Paris, I should say emphatically, yes. I cannot conceive of an institution which could offer greater advantages than the *École Libre* to the student of political science. The fact that it is, in great part, a primary school for the government makes it less valuable to the foreigner than it otherwise might be. It should be clearly understood, however, that it is not the purpose of the directors to make the *École Libre* solely a preparatory school for the civil service. On the contrary, it is their ideal to make the institution a great University of Political Science. Where the civil service examinations are so universal as they are in France, such a university would always have necessarily a practical side. There are many courses at the *École Libre*, which have a purely educational or non-utilitarian value.

There are many points which I have omitted. I have not touched upon the subject of examinations as I have had no experience of them. You are well acquainted with the *Annales d l'École Libre des Sciences Politiques*. I remember that it is on the seminary table in the Bluntschli Library. An interesting feature is the *groupes de travail*. These are seminaries of the alumni, held under the direction of members of the faculty. Three groups are organized : (1) Finance, (2) Public and private law, (3) History and diplomacy. There is also an association of the alumni. Every five years a travelling fellowship is awarded to graduates of certain standing.

The value is 5,000 francs. There are various prizes distributed each year among the graduating class. Their total value is 1,200 francs.

M. Boutmy has been most kind and helpful in every way. Later in the winter I hope I shall be able to give you more extensive and trustworthy impressions than these which I herewith submit.

PREPARATION FOR THE CIVIL SERVICE IN GERMAN STATES.¹

The purpose of the following paper is to give a short report of the laws which at present regulate the course preparing for the qualified service of the German states. Germany has so long been known as the country of model administration, her system is so perfectly developed in all its ramifications that the student of political science will always with interest and pride look upon this masterpiece of political praxis. And he has a right to feel proud, for the successes of the statesmen merely followed the triumphs of German theory. All the great reforms, from the administrative reform of Stein to the social reform of Bismarck, would have never been achieved by men who were not thoroughly educated in political science. For this reason we shall direct attention to the German system of political education, which is the motive power of the political machine. Our authority is the XXXIV publication of the "Verein für Socialpolitik."

BAVARIA.

The regulations concerning the examination for the civil service were issued in 1830; at that time the administrative and judicial departments were not yet completely separated, and consequently the study and examination qualifying for

¹The above article was prepared by Mr. L. Katzenstein, of the Johns Hopkins University, formerly of the University of Berlin.—EDITOR.

an appointment in either department was and is still the same.

The condition for entering the university as a regular student is here, as everywhere else in Germany, a diploma testifying that the candidate successfully passed the course of a gymnasium.

The course of the academic study comprehends four years, while a triennium is sufficient in nearly all the other German states. The fact which accounts for this difference in time is that in Bavaria the student is expected to devote one year, and generally the first one, to improving his general education. He may gather the best fruits in philosophy, philology, or natural sciences, and then, elevated by the impression that all branches of human knowledge receive their vital force from the same roots, he commences his professional study with brighter hopes and greater satisfaction.

The four years' study at the university are the first and merely theoretical part of the preparation for the civil service. The conclusion of this first part is the so-called theoretical examination of the following subjects :

1. Philosophy of law.
2. Roman civil law.
3. German private law.
4. Civil procedure.
5. Criminal law.
6. Criminal procedure.
7. Public law of the German Empire and of the kingdom of Bavaria.
8. Law of the Catholic and Protestant Churches.
9. Science and law of police.
10. Political economy.
11. Finance.

The commission in charge of the examination consists of a government delegate who has the chair, and six or eight professors of the university. The examination is oral and public. The majority of the audience is composed of stu-

dents. Each of the eleven subjects receives equally careful attention by the examiners. The candidate whose knowledge has satisfied this commission enters upon the three years' course of his practical preparation.

He has to serve twelve months in one of the administrative departments, eighteen months at the courts and six months in the office of an attorney-at-law. But wherever he is employed, an account of his work is faithfully kept, which will testify that the candidate is sufficiently prepared to pass the second or practical examination. This time he has to pass a written and oral examination, and the former is of greater importance than the latter. It lasts twelve days and covers the same subjects as the theoretical examination. The candidates are under continual supervision of one of the commissioners, and the time is limited to eight or nine hours a day. They have to grapple with complicated and extensive cases of private and public law and with the problems of the day in political economy and finance.

The commission consists of officers of high rank in the judicial, administrative and finance departments. Having successfully passed this second trial the candidate is at liberty to select his special profession and the department he intends to enter. He who will become a notary has to serve two more years in the office of a notary, before he can be employed; and the financial service requires the candidate to work six months further in a court of claims, and then undergo a third examination on the subject of financial administration.

WÜRTEMBERG.

It is a principle established by the Constitution of Würtemberg (1819) that those only can obtain an office under the government who successfully pass the prescribed examinations. In 1817 the faculty of political science of the university of Tübingen was founded to educate young men for the service.

Men generally study four years, though three and a half years is required by law. This university course is of such a high quality and prepares the student so thoroughly that the succeeding practical course is limited to one year and a half.

The rules now in force were issued November 7, 1885. The first examination takes place after the university course has been completed, and is conducted by six university professors and one government commissioner.

They examine in the following subjects:

1. Private law of Würtemberg.
2. Penal law.
3. Mode of procedure in civil and penal law.
4. Public law of the empire of Germany and of the kingdom of Würtemberg.
5. Law of the Protestant and Catholic Churches.
6. Political economy.
7. Administration.
8. Administrative law of Germany and Würtemberg.

The second examination at the end of the practical course is conducted by a board of examiners, composed of officers in the Department of the Interior, who are appointed by the minister. It is a written and oral examination. In the former, the applicants have to treat cases in administration, administrative and penal law and to answer questions on the theory and law of taxation and finance. The oral examination covers the eight subjects enumerated above with addition of taxation, law of taxation in Würtemberg, and finance.

BADEN.

The civil service of Baden is regulated by a law of December 16, 1853, which underwent several changes before August 11, 1883.

The university course extends over three and a half years and the practical course lasts three years. In the two exami-

nations, the one at the end of the university course and the other after the practical preparation, the examining boards are composed of officers of the interior and judicial ministries, with the exclusion of professors. With regard to the university course the applicant has to observe the following rules :

He must attend lectures on nineteen subjects: three lectures in the philosophical faculty, five lectures in political science (philosophy of law, public law, political economy, theory of police and finance), and eleven lectures on subjects of law. The first examination is oral and written. The written examination covers sixteen subjects of law and political science. Fifty-five questions are asked and one hour is allowed for each question. These questions are classified in the following way: Roman private law, eight questions: history of Roman law, three; civil law of France and Baden, six; civil law of Germany, five; public law, four; church law, two; procedure in civil law, five; penal law, five; procedure in penal law, four; philosophy of law, two; political economy, four; science of police, four; finance, three. The oral examination includes civil law of Rome, France and Baden; procedure in civil law, penal law and political economy.

The practical preparation is regulated as follows: twelve months of service in district courts, eight months in the supreme court (*Oberlandesgericht*), twelve months in the administrative department and four months in the office of a lawyer.

The second examination covers the law of Baden, including constitutional and administrative law. In the oral examination the applicant has to give a report of a practical case.

KINGDOM OF SAXONY.

The law of July 20, 1859, enumerates the subjects to which the student has to devote his attention. They are: public law

of Saxony, international law, politics, theory of police, administrative law of the kingdom, statistics, political economy, finance, technology, theory of agriculture and forestry. The entire course of preparation is very similar to that of the South German states as outlined above. A written and oral examination is required at the end of the academic study of about the same character as that in Bavaria and Württemberg. This examination is conducted by professors of the University of Leipzig. Four years of practical service follow, with an examination at the conclusion, which is conducted by a board of examiners composed of administrative officers.

PRUSSIA.

A law of May 6, 1869, regulates the preparation for the civil service of Prussia.

Two examinations have to be passed on the course that leads to the civil service. In the first, which occurs at the end of the academic career, the candidate has to give account of the quantity and quality of knowledge he acquired while listening to the teachings of the professors. In the second trial, which is to be passed four years later, the practical capacity of the candidate is tested. In both cases the examining board is composed of government officers. The first examination is oral and written, and the subjects are: the various descriptions of public and private law, history of law and principles of political science. The candidate who successfully passed this examination has to serve two years in a bureau of the judicial department and two years in a bureau of the administrative department. Then the second examination in written and oral form takes place. It covers the following subjects: public and private law of Prussia, especially constitutional and administrative law, political economy and finance.

GENERAL FEATURES.

In all the German states the preparatory course for the administrative and judicial careers is alike; we see that

greatest importance is attributed to legal education and that only a second place is assigned to political science. This relation will not long continue to exist, for the life of the people calls for political science. New forces of life have been created. They require new forms, new laws, new organizations. The art of government becomes more difficult every day and the saying that "a public office is a public trust" daily receives more significance in Germany as in America. It is ridiculous to fight giants with an army of dwarfs. We have to train an army of public servants that shall be equal to those hosts. This can only be done with the help of political science. All the legal knowledge in the world will not enable us to solve the problem of pauperism, nor to regulate organizations of labor, to make provisions for accidents, to decide the questions of protection or free-trade and finance. Consequently the demand that the officer should have thoroughly studied social and economic science becomes more imperative every day.

In all German states a theoretical and practical course is required. This extends the entire preparation to seven or eight years. The office is no sinecure, no easy prey for those persons who have failed by incapacity or idleness in other fields of activity. Great sacrifices are imposed upon public servants, sacrifices never to be remunerated with money. Intellectual capacity and moral character are severely tested before men are admitted to the lowest position. Their recompense is the feeling that they are a part in the great national organism, that they can use all their power for the welfare of the nation, and that they belong to a class of men most highly respected in all the world. It would, indeed, be possible to unite both ways of education more closely. And the ideal will always be an academy of political science, where, as in military and naval academies, the newly-gained theoretical knowledge is immediately applied in practice. Into the practical course, as it is now, a greater division of labor might enter, and the candidates be prepared for a

special department. They might become acquainted with certain branches of industrial life, as banking, exports and imports, coinage, etc.

On the whole we may say that Germany is one of the best governed countries in the world, because she has the best developed civil service. It is the latter that determines to a certain degree to-day the political character of a state. We know that the best laws are worthless, that the work of intelligent legislators is frustrated, that the will of the people is not fulfilled, if the officers to whom we entrust the execution of the laws represent notorious incapacity. Even the intentions of a good constitution are checked by the sins of commission and omission in a bad administration.

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